AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 43—No. 52
3-16-78
PAGES
10901-11140

federal register

THURSDAY, MARCH 16, 1978



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Monday	Tuesday	Wednesday	Thursday	Friday
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	HEW/PHS			HEW/PHS

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.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

[3410-02]

Title 7—Agriculture

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

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 1, Amdt. 10]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum diameter requirement from 2⁹⁄₁₆ to 2⁷⁄₁₆ inches on domestic shipments of Florida Temple oranges and from 2⁹⁄₁₆ inches to 2⁷⁄₁₆ inches on domestic shipments of Florida Honey tangerines. Specification of minimum size requirements for Florida Temple oranges and Honey tangerines is necessary because of current and prospective supply and demand for the fruit, and to maintain orderly marketing conditions in the interest of producers and consumers.

DATES: The amended size requirements for Temple oranges and Honey tangerines are effective March 13 and March 20, 1978, respectively.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement and Order No. 905, both as amended (7 CFR Part 905; 42 FR 59367; 61853), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committee established under the marketing agreement and order, and upon other information, it is found that the regulation of shipments of oranges and tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective supply and market demand conditions for Florida Temple oranges and Honey tangerines. Less restrictive size requirements for such fruit are consistent with the character of much of the fruit available for fresh shipment.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act; and this amendment relieves restrictions on the handling of Temple oranges and Honey tangerines.

Accordingly, it is found that the provisions of § 905.301 (42 FR 57947; 59367; 59955; 60918; 61590; 62470; 63635; 63881; 43 FR 2820; 5497) should be and hereby are amended by revising in Table I (applicable to domestic shipments of the specified fruits) the minimum diameter applicable to Temple oranges and Honey tangerines effective March 13 and March 20, 1978, respectively, as follows:

§ 905.301 Orange, Grapefruit, Tangerine and Tangelo Regulation 1.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Oranges: Temple	Mar. 13 to Sept. 24, 1978	U.S. No. 1	2⁹⁄₁₆
Tangerines: Honey	Mar. 20 to Sept. 24, 1978	Florida No. 1 Golden	2⁹⁄₁₆

* * * * * * *

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

Dated: March 13, 1978.

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

[FR Doc. 78-6853 Filed 3-15-78; 8:45 am]

[3410-02]

[Navel Orange Reg. 435]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 17-23, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agri-

cultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted to the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the Act.

The committee met on March 14, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges continues to exhibit some weakness.

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

§ 907.735 Navel Orange Regulation 435.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period March 17, 1978, through March 23, 1978, are established as follows:

(1) District 1: 962,000 cartons;
(2) District 2: 288,000 cartons;
(3) District 3: Unlimited movement.

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

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

Dated: March 15, 1978.

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

[FR Doc. 78-7250 Filed 3-15-78; 12:08 pm]

[3410-02]

[Valencia Orange Regs. 578; Amdt. 1 579]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period March 17-23, 1978, and increases the quantity of such oranges that may be so shipped during the period March 10-16, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective March 17, 1978, and the amendment is effective for the period March 10-16, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on March 14, 1978 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is good.

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

§ 908.879 Valencia Orange Regulation 579.

1. *Order.* (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period March 17, 1978 through March 23, 1978, are established as follows:

(1) District 1: Unlimited movement;
(2) District 2: Unlimited movement;
(3) District 3: 180,000 cartons.

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

2. Paragraph (a)(3) in § 908.878 Valencia Orange Regulation 578 (43 FR 9586), is hereby amended to read:

"(3) District 3: 165,000 cartons."

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

Dated: March 15, 1978.

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

[FR Doc. 78-7251 Filed 3-15-78; 12:09 pm]

[3410-02]

PART 991—HANDLING OF HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for the 1978-79 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the quantity of hops that may be freely marketed from the 1978 crop. The action is taken under the marketing order for domestic hops to promote orderly marketing conditions.

EFFECTIVE DATE: August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: Notice was published in the February

10, 1978, issue of the FEDERAL REGISTER (43 FR 5841) of a proposal to establish for the 1978–79 marketing year, beginning August 1, 1978, a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent. This action is based on the recommendation of the Hop Administrative Committee in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Committee's recommendation is based on the following estimates for the marketing year beginning August 1, 1978.

(1) Total domestic consumption of 35,500,000 pounds of hops;

(2) Minus imports of 11,500,000 pounds of hops to result in domestic consumption of U.S. hops of 24,000,000 pounds;

(3) Plus total U.S. exports of 29,000,000 pounds of hops to equal 53,000,000 pounds total usage of U.S. hops;

(4) Plus 2,500,000 pounds to adjust for weight loss for hops processed into pellets and extract;

(5) Plus an adjustment of 4,770,000 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Therefore, the salable quantity during the 1978–79 marketing year will be 60,270,000 pounds.

The salable percentage of 100 percent is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138 and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pounds additional allotment bases for Fuggle variety hops.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1978–79 marketing year (August 1, 1978–July 31, 1979) are established as follows:

§ 991.216 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1978.

The allotment percentage during the marketing year beginning August 1, 1978, shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

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

Dated: March 10, 1978.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 78-6854 Filed 3-15-78; 8:45 am]

[4910–13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17688; Amdt. No. 91-149]

PART 91—GENERAL OPERATING AND FLIGHT RULES

VFR Cruising Altitude or Flight Level

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment authorizes FAA air traffic control (ATC) to assign, to aircraft operating under visual flight rules (VFR), altitudes or flight levels other than those specified in the rule for VFR aircraft. FAA experience indicates that the current inflexible altitude rule for VFR aircraft limits the ability of ATC to ensure safe separation of aircraft. This amendment is intended to prevent a potentially unsafe traffic conflict where VFR aircraft are receiving ATC separation.

DATES: Effective date: March 16, 1978. Comment period closes: May 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. C. M. Stratton, Air Traffic Rules Branch, AAT-220, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3128.

SUPPLEMENTARY INFORMATION: Section 91.109 of the Federal Aviation Regulations provides that, with certain exceptions, each person operating an aircraft under VFR in level cruising flight at an altitude of more than 3,000 feet above the surface shall maintain specific altitudes depending on the direction of flight. The purpose of this rule is to assist VFR pilots in seeing and avoiding each other. This rule works well where aircraft are relying exclusively on visual avoidance of other traffic. However, specific cruising altitudes are not prescribed in Part 91 for aircraft under Instrument Flight Rules (IFR) that are operating in controlled airspace (and thus being separated by ATC). To the contrary, § 91.121(a) permits ATC to assign any altitude or flight level needed for the separation of these IFR aircraft. This recognizes the fact that, once under ATC control, a pilot must be free to respond at once to ATC instuctions and clearances, in accordance with § 91.75, and consistent with the pilot's duty to see and avoid other aircraft in compliance with § 91.67(a).

This same situation exists for certain VFR aircraft. These include aircraft which, while not operating under IFR, are nevertheless being separated from other aircraft by ATC. Like IFR aircraft, these VFR aircraft are operating under ATC clearances and instructions that are essential to the safety of all users of the airspace. Also, like IFR aircraft, these VFR aircraft are required by § 91.75 to comply with these ATC clearances and instructions. The airspace in which VFR aircraft receive ATC separation service includes terminal control areas (TCA's) and terminal radar service areas (TRSA's).

In both of these areas of heavy air traffic, safety requires that ATC have the same flexibility in assigning the altitudes of VFR traffic as it has in assigning the altitudes of IFR traffic. Experience in controlling VFR aircraft in these areas has shown that limiting these aircraft to the altitudes and flight levels specified in § 91.109 may create artificial contraints, on the flow of air traffic, that are not consistent with this basic safety need. Since ATC must, on occasion, assign altitudes to VFR aircraft that are not specified in § 91.109, in order to ensure safe separation, this authority must be clearly and immediately stated in § 91.109 itself.

To achieve this result, this amendment adds the words "unless otherwise authorized by ATC" to the end of the introductory paragraph of § 91.109. Minor editorial improvements are also made.

PUBLIC PROCEDURE, EFFECTIVE DATE, AND REQUEST FOR COMMENTS

For the reasons stated above, the FAA finds that (1) a potential safety problem exists which requires immediate adoption of this amendment, (2) notice and public procedure hereon are therefore impracticable and contrary to the public interest, and (3) good cause exists for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER. However, the FAA recognizes the need for active public participation in its regulatory actions.

Interested persons are therefore invited to submit comments concerning the effect of this amendment. These comments will be reviewed to determine whether further rulemaking is appropriate. Comments should be received on or before May 15, 1978, and will be available, in the Rules Docket, for public inspection before and after

that date. Comments should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591.

DRAFTING INFORMATION

The principal authors of this document are C. M. Stratton, Air Traffic Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended, effective March 16, 1978, by amending the introductory paragraph of § 91.109 to read as follows:

§ 91.109 VFR cruising altitude or flight level.

Except while holding in a holding pattern of 2 minutes or less, or while turning, each person operating an aircraft under VFR in level cruising flight more than 3,000 feet above the surface shall maintain the appropriate altitude or flight level prescribed below, unless otherwise authorized by ATC:

* * * * *

(Secs. 307(c) and 313(a) of the Federal Aviation Act of 1958 as amended (49 U.S.C. §§ 1348(c), 1354(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)).)

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

Issued in Washington, D.C., on February 28, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-6662 Filed 3-15-78; 8:45 am]

[4910-13]

[Docket No. 78-GL-1; Amdt. 39-3159]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers, Three Bladed Full Feathering Constant Speed Model 3FF32C501

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the replacement of all the (cadmium plated) propeller blade actuating pin screws, Part Number (P/N) A-1635-104, with new (black oxide) screws, P/N A-1635-108, on certain McCauley Model 3FF32C501 propellers. This action is considered necessary due to instances of premature screw failures attributed to hydrogen embrittlement. Such screw failures can result in separation of the actuating pin from the propeller blade followed by loss of propeller control in flight and excessive vibration.

DATE: Effective—March 22, 1978. Compliance schedule—Compliance required within 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: Information relating to the service documents referenced in the body of the AD may be obtained from McCauley Accessory Division, Cessna Aircraft Company, Box 7, Roosevelt Station, Dayton, Ohio 45417. Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Robert W. Alpiser, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: There recently have been several instances of the subject propeller's blade actuating pin screws failing with resultant loss of pitch control of the affected propeller blades. Consequently, excessive vibration occurred, necessitating certain early or forced landings. Since this condition is likely to exist in other propellers of the same design, an airworthiness directive is being issued to require replacement of the affected screws.

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

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are R. W. Alpiser, Flight Standards Division, Great Lakes Region, and J. W. Hacker, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

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

MCCAULEY PROPELLERS. Applies to the following three bladed full feathering constant speed Model 3FF32C501 propellers installed on but not limited to the Cessna Model 421C and 404 aircraft:

Affected Propeller Serial Numbers: 766744, 768693, 768699, 768980, 769004, 769154, 769164, 769197, 769198, 769199, 769200, 769201, 769202, 769203, 769204, 769205, 769206, 769207, 769208, 769231, 769232, 769233, 769234, 769325, 769236, 769237, 769294, 769295, 769296, 769297, 769298, 769299, 769300, 769301, 769302, 769303, 769304, 769571, 769572, 769573, 769574, 769575, 769576, 769577, 769578, 769679, 769580, 769581, 769582, 769583, 769584, 769585, 769586, 769587, 769588, 769589, 769590, 770176, 770177, 770178, 770179, 770601, 770602, 770603, 770604, 770605, 770606, 770607, 770643, 770644, 770645, 770646, 770647, 770648, 770649, 770650, 770651, 770652, 770653, 770654, 771239, 771291, 771318, 771319, 771320, 771321, 771322, 771323, 771324, 771325, 771326, 771327, 771328, 771329, 771330, 771331, 771332, 771333, 771334, 771335, 771491, 771492, 771493, 771495, 771496, 771497, 771498, 771499, 771500, 771534, 771535, 771536, 771537, 771538, 771539, 771540, 771734, 771735, 771736, 771737, 771738, 771739, 771740, 771741, 771742, 771743, 771744, 771745, 771746, 771747, 771748, 771839, 771840, 771841, 771843, 771848, 772212, 772213, 772335, 772336, 772337, 772338, 772339, 772340, 772341, 772342, 772343, 772344, 772345, 772346, 772347, 772348, 772349, 772396, 772397, 772398, 772399, 772400, 772401, 772429, 772430, 772432, 772433, 772434, 772435, 772436, 772437, 772438, 772439, 772440, 772952, 772953, 772958, 772959, 772960, 772961, 772994, 772995, 772996, 772997, 772998, 772999, 773000, 773047, 773048, 773049, 773050, 773051, 773052, 773053, 773054, 773055, 773056, 773057, 773058, 773059, 773060, 773061, 773062, 773066, 773184, 773185, 773186, 773187, 773188, 773189, 773190, 773191, 773348, 773349, 773350, 773351, 773352, 773353, 773356, 773358, 773359, 773360, 773361, 773573, 773574, 773575, 773896, 773897, 773898, 773899, 773903, 773966, 773969, 773970, 773971, 773973, 773974, 774113, 774116, 774122, 774124, 774175, 774178, 774180, and 774181.

NOTE.—Serial numbers are stamped on the side of the propeller hub. These propellers are equipped with Model 90UMB-0 blades.

Compliance required within 50 hours time in service after the effecive date of this AD, unless already accomplished.

To prevent possible blade pitch control failures, accomplish the following:

(a) Replace blade actuating pin screws, P/N A-1635-104 (cadmium plated), with new screws, P/N A-1635-108 (black oxide) in accordance with McCauley Service Bulletin No. 131 dated January 20, 1978, and Service Manual No. 751201 or later Federal Aviation Administration approved revisions.

(b) Replacement of the above parts must be accomplished by a Federal Avaition Administration Certificated Propeller Repair Station, since it is considered a major repair.

(c) When the affected propellers are approved for return to service, compliance with this airworthiness directive shall be noted in the Aircraft's Records.

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer, may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Company, Box 7, Roosevelt Stateion, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this airworthiness directive which includes incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and the Great Lakes Region.

This amendment becomes effective: March 22, 1978.

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

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

Issued in Des Plaines, Illinois on March 3, 1978.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

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

[FR Doc. 78-6661 Filed 3-15-78; 8:45 am]

[4910-13]

[Docket No. 17694; Amdt. No. 91-151]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Temporary Operation of Aircraft Without an Emergency Locator Transmitter (ELT)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds an exception to the Emergency Locator Transmitter (ELT) requirement to permit the temporary operation of aircraft from which the ELT has been removed for inspection, repair, modification, or replacement. The enactment of Pub. L. 95-163, which amended § 601(d) of the Federal Aviation Act of 1958, created the need to amend the Federal Aviation Regulations (FAR) and implement the Public Law.

DATES: Effective date: March 16, 1978. Comments on or before: June 14, 1978.

ADDRESS: Comments should be mailed to the Rules Docket, AGC-24, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591 and should reference FAR 91.52(f)(10).

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Section 601(d) of the Federal Aviation Act of 1958, contains the requirement that ELTs be installed on most types of aircraft, with certain exceptions specified in paragraph (d)(2). Section 91.52 of the FARs implements this statutory requirement and subsection (f) lists the exceptions.

Pub. L. 95-163, effective November 9, 1977, amended § 601(d)(2) of the Act to permit the temporary operation of aircraft from which the ELT has been removed for inspection, repair, modification or replacement, subject to regulations prescribed by the Administrator. Accordingly, the FAA is amending § 91.52(f) of the FARs to add another exception which implements the Act, as amended.

Since this amendment is being adopted without prior notice and public procedure, and is intended as interim rulemaking action to enable the FAA to obtain information upon which to base a permanent rule change, interested persons are invited to submit comments on it. Comments should be mailed to the Rules Docket, AGC-24, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, and should reference FAR 91.52(f)(10). The FAA will consider all comments received on or before June 14, 1978, in connection with this rule, and, if found to be justified, the FAA will initiate further rulemaking action to amend FAR 91.52(f)(10).

DRAFTING INFORMATION

The principal authors of this document are Gerald S. Holliday, Flight Standards Service, and Darlene F. Romanias, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Since this amendment is necessary to implement Pub. L. 95-163 and relieves a restriction, I find that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

Accordingly, Part 91 of the Federal Aviation Regulations is amended, effective March 16, 1978, as follows:

1. By amending § 91.52(f) by deleting the word "and" and following the semicolon at the end of paragraph (f)(8) and by changing the period at the end of paragraph (f)(9) to a semicolon followed by the word "and."

2. By amending 91.52(f) by adding a new paragraph (10) to read as follows:

§ 91.52 Emergency locator transmitter.

* * * * *

(f) * * *

(10) An aircraft during any period for which the transmitter has been temporarily removed for inspection, repair, modification or replacement, subject to the following:

(i) No person may operate the aircraft unless the aircraft records contain an entry which includes the date of initial removal, the make, model, serial number and reason for removal of the transmitter, and a placard is located in view of the pilot to show "ELT not installed."

(ii) No person may operate the aircraft more than 90 days after the ELT is initially removed from the aircraft.

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

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

Issued in Washington, D.C., on March 13, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-7082 Filed 3-15-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-3369]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Proposed Changes in Special Flood Hazard for the Town of Falmouth, Barnstable County, Mass., and the City of Rockport, Aransas County, Tex.

Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of interim rule.

SUMMARY: This document corrects an interim rule on special flood hazard areas that appeared on page 51777 of the FEDERAL REGISTER of September 29, 1977 (42 FR 51777).

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

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

The following corrections are made:

State	County	Location	Date and name of newspaper where notice was published
Massachusetts	Barnstable	Falmouth, town of	The Falmouth enterprise, July 26, 1977, and Aug. 2, 1977.
Texas	Aransas	Rockport, city of	Rockport Pilot, Feb. 9, 1978, and Feb. 16, 1978.

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6892 Filed 3-15-78; 8:45 am]

[4210-01]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3360]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Evansville, Natrona County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Evansville, Natrona County, Wyo.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Evansville, are available for review at Town Hall, 580 Iron, Evansville, Wyo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Evansville, Wyo.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Evansville Swale....	Northernmost corporate limits.	5,091
	75 feet north of 5th Street.	5,103

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6861 Filed 3-15-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Dade County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

EFFECTIVE DATE: March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

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

The map amendments listed below are in accordance with S1920.7(b): Map No. H&I 125098B Panel 09, published on June 29, 1977, in 42 FR 33208, indicates that Lots 105 and 106, Arch Creek Estates, Dade County, Fla., as recorded in Plat Book 46, Page 73, of the Public Records of Dade County, Fla., are within the Special Flood Hazard Area. Map No. H&I 125098B Panel 09 is hereby corrected to reflect the existing structure on the above property is not within the Special Flood Hazard Area identified on March 18, 1977. The structure is in Zone C.

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

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6867 Filed 3-15-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Largo, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

EFFECTIVE DATE: March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

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

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

The map amendments listed below are in accordance with S1920.7(b): Map No. H&I 125122B Panel 03, published on June 29, 1977, in 42 FR 33209, indicates that Block A, Lot 12, Harbor Lake Estates, Largo, Fla., as recorded Official Record No. 2132, Page 624, in the office of the County Clerk, Pinellas County, Fla., is within the Special Flood Hazard Area.

Map No. H&I 125122B Panel 03 is hereby corrected to reflect the existing structure on the above property is not within the Special Flood Hazard Area identified on October 22, 1976. The structure is in Zone C.

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

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6868 Filed 3-15-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for Fairfax County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), at P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620. The map amendments listed below are in accordance with S 1920.7(b): Map No.

H and I 515525C Panel 18, published on June 29, 1977, in 42 FR 33235, indicates that Lots 4 through 14, Section 1, Holmes Run Woods West, Fairfax County, Va., as recorded in Deed Book 4605, Pages 818 and 821, in the Office of the Clerk of the Circuit Court of Fairfax County, Va., are within the Special Flood Hazard Area.

Map No. H and I 515525C Panel 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 8, 1972. The property is in Zone C.

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

Issued: January 13, 1978.

PARTICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6869 Filed 3-15-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If the property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), at P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620. The map amendments listed below are in accordance with § 1920.7(b): Map No. H and I 515525C Panel 35, published on June 29, 1977, in 42 FR 33235, indicates that Lot 13, Section One, Hallowing Point River Estates, Fairfax County, Va., as recorded in Plat Book 5, Page 86, in the Office of the Clerk of the Circuit Court, Fairfax County, Va., is within the Special Flood Hazard Area.

Map No. H and I 515525C Panel 35 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on May 14, 1976. The structure is in Zone C.

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

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6870 Filed 3-15-78; 8:45 am]

[3910-01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888h—SEPARATION DOCUMENTS AND GENERAL SEPARATION PROCEDURES

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

ACTION: Final rule.

SUMMARY: This rule establishes general separation procedures and tells how separation documents are prepared and distributed. It implements DOD Instruction 1336.1, December 16, 1972. It applies to all members of the Air Force who are leaving active duty or being removed from the Temporary Disability Retired List (TDRL). Included are officers, warrant officers, and airmen who leave by discharge, retirement, transfer or release.

EFFECTIVE DATE: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Major John C. B. Rayko, Chief, Airman Separations Branch, Directorate of Personnel Program Actions, Randolph AFB, Tex. 78148.

SUPPLEMENTARY INFORMATION: The provisions of this Part 888h are issued under authority of section 8012, 70A Stat. 488; 10 U.S.C. 8012; 10 U.S.C. 1168, 1169, and E.O. 9397 and as otherwise stated herein.

The Department of the Air Force, DOD, is adding a new Part 888h to Subchapter I, Chapter VII, Title 32 CFR.

This rule gives instructions for notifying the State Department and the Immigration and Naturalization Service when aliens or naturalized citizens are discharged under other than honorable conditions, explains the circumstances where issuance of a DD Form 214 is required, tells who issues it, and gives instructions for preparation of the form.

The new part will read as follows:

Sec.
888h.1 Purpose.
888h.2 Review of discharge.
888h.3 Naturalized personnel separated under other than honorable conditions.
888h.4 Aliens discharged for alienage and desertion.
888h.5 Purpose of documents.
888h.6 Request for member's copy.
888h.7 Delivery of separation documents.
888h.8 Incomplete DD Form 214.
888h.9 Separation delayed.
888h.10 Responsibility for issuance.
888h.11 Authorized discharge certificates.
888h.12 Issuance of DD Form 214.
888h.13 Discharge and retirement certificates.
888h.14 Correction of DD Form 214.
888h.15 Narrative reason for separation.
888h.16 Reaccomplishment of DD Form 214.
888h.17 Individual requests for narrative reasons.
888h.18 Replacement of separation certificates.
888h.19 Sample letter, entitlement to narrative reason.
888h.20 Sample letter, reply to former member.
888h.21 Authorized entries on discharge certificates.
888h.22 Instructions for preparation of DD Form 214.
888h.23 Responsible agency for correction of separation documents.

AUTHORITY: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 10 U.S.C. 1168, 1169, and E.O. 9397 and as otherwise stated herein.

NOTE.—Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the Air Force manuals and regulations that are referenced herein.

§ 888h.1 Purpose.

This part establishes general separation procedures and tells how separation documents are prepared and distributed. It implements DOD Instruction 1336.1, December 16, 1972. It applies to all members of the Air Force who are leaving active duty or being removed from the Temporary Disability Retired List (TDRL). Included are officers, warrant officers, and airmen who leave by discharge, retirement, transfer, or release.

§ 888h.2 Review of discharge.

(a) The Air Force Discharge Review Board was established pursuant to 10 U.S.C. 1553. The Air Force Board for the Correction of Military Records was established pursuant to 10 U.S.C. 1552. CBPO/DPMQS, The Pentagon, Washington, D.C. 20220, explains the purpose and scope of these boards to members who are separated:

(1) With less than an honorable discharge;

(2) Where the authority for separation is a bar to reenlistment. This does not include separations which result from a sentence of a general court-martial.

(b) In these cases, the CBPO/DPMQS gives the members:

(1) A copy of AF Regulations 20-10 Air Force Discharge Review Board, and 31-3, Air Force Board for the Correction of Military Records.

(2) A DD Form 149, Application for Correction of Military or Naval Records under the provision of Title 10, U.S. Code, section 1552.

(3) A DD Form 293, Application for Review of Discharge or Dismissal From the Armed Forces of the United States.

(4) A Department of Labor Exemplary Rehabilitation Certificate brochure, if the member received less than an honorable discharge. The brochures may be ordered from:

U.S. Department of Labor, Veterans Employment Service, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213. Attention: VES.

(c) The Air Force Discharge Review Board does not have authority to consider the application of a member discharged or dismissed by sentence of a general court-martial. CBPO/DPMQS explains the purpose and scope of the Air Force Board for the Correction of Military Records and gives these members:

(1) A copy of AF Regulation 31-3.

(2) A DD Form 149.

(3) A Department of Labor Exemplary Rehabilitation Certificate brochure.

§ 888h.3 Naturalized personnel separated under other than honorable conditions.

(a) *Revocation of citizenship.* Individuals may be naturalized through service in the U.S. Armed Forces during specified periods. Title 8, U.S. Code, section 1440 applies. The periods are: World War I; September 1, 1939 through December 31, 1946; June 25, 1950 through July 1, 1955; and February 28, 1961 through a date not yet determined. Persons naturalized under this provision may have their citizenship revoked, if they are separated under other than honorable conditions. The Immigration and Naturalization Service is responsible for action in these cases.

(b) *Notification to Immigration and Naturalization Service.* Normally, it is necessary to look at naturalization records to learn the provision of law under which a member was naturalized. This is true even if the naturalization certificate is available. When a naturalized member is separated under other than honorable conditions, the separating activity notifies the Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536. The letter reporting the separation gives the individual's:

(1) Full name.

(2) Date and place of separation.

(3) Future home address.

(4) Certificate of Naturalization number.

(5) Name under which naturalized, if different from the name at time of separation.

(6) Date and place of birth.

(7) Date and place of naturalization.

NOTE.—This disclosure must be reported according to Part 806b of this chapter and AF Regulation 30-4, Releasing Information From and Providing Access to Personnel Records.

§ 888h.4 Aliens discharged for alienage and desertion.

HQ AFMPC/DPMAKE, Randolph AFB, Tex. 78148, may authorize discharge in absentia when an alien deserter goes to live in a foreign country. A discharge for alienage and desertion normally bars an individual from returning to the United States as an immigrant alien. When an alien is discharged for alienage and desertion, the separting facility:

(a) Notifies the Department of State to help them avoid an unwarranted issuance of a visa. This is done by sending a copy of the DD Form 214, Report of Separation From Active Duty, to: U.S. Department of State, Visa Office-SCA/VO, State Annex No. 2, Washington, D.C. 20520. The letter of transmittal explains that the member was discharged in absentia for alienage and desertion.

(b) Reports the circumstances of the discharge to the Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536. The letter tells them that the airman was discharged for alienage and desertion, gives the dates of the unauthorized absence, and includes the member's:

(1) Full name, address, and SSAN.

(2) Country of birth.

(3) Complete address in the country of residence at the time of discharge.

(4) Alien registration number, if known.

(5) Declarant number shown on the DD Form 4, Enlistment or Reenlistment Agreement—Armed Forces of the United States.

(6) Date of enlistment in the Air Force.

(c) Accounts for the disclosures according to Part 806b of this chapter and AF Regulation 30-4.

§ 888h.5 Purpose of documents.

(a) A discharge certificate, describing the character of service rendered, is issued as required by law (10 U.S.C. 1168). Section 888h.11 shows the type of certificate issued for each type of separation.

(b) A DD Form 214, Report of Separation From Active Duty, shows information about a person's service. It tells how the member was separated. It has no legal effect and does not end the individual's military status. Former members may use a DD Form 214 as evidence of time spent and work experience in the Air Force. Federal and state agencies use it to find out if a veteran is entitled to benefits based on military service. Section 888h.12 shows when a DD Form 214 is issued.

(c) A DD Form 215, Correction to DD Form 214, is issued if it is necessary to correct an erroneous or incomplete DD Form 214. Section 888h.23 lists the agencies that may issue DD Form 215.

(d) A narrative description of the reason for separation tells the individual how and why he or she was separated. It cites the specific authority for separation, and for airmen, it has a statement of reenlistment eligibility. The information in this letter is not shown on the member's copy of the DD Form 214.

§ 888h.6 Request for member's copy.

A member who wants a DD Form 214 must ask for it in writing. This request is made in a note in the remarks section of the DD Form 214. Section 888h.22 noted (b)(1) shows an example. Members who do not ask for a DD Form 214 must be told that:

(a) Having a DD Form 214 will help them when they go to a State unemployment agency for help.

(b) Not having a DD Form 214 may cause a delay in the payment of benefits, if any are due.

§ 888h.7 Delivery of separation documents.

(a) The separation documents are delivered on the day the separation is

effective or on the day authorized travel starts. Members who are present at the time of separation get their documents before they leave the separation facility. The documents are placed in an envelope that is large enough to hold them flat. It must have the individual's future mailing address and the return address of the separating facility on it.

(b) The separation facility mails the separation papers in time to reach the member on the separation date, if the member is not present. Delivery by mail is necessary for members who are:

(1) On terminal leave; or

(2) At home awaiting disability separation; or

(3) In civil confinement; or

(4) Separated in absentia under other circumstances where such action is authorized.

(c) HQ AFMPC/DPMDO, Randolph AFB, Tex. 78148, mails separation documents issued according to § 888h.10(a) to the address given by the member.

(d) The separation documents for an incompetent member are delivered to the next of kin or guardian by mail or in person.

(e) The separation documents are mailed by the CBPO/DPMQS to HQ AFMPC/DPMDO, Randolph AFB Tex. 78148, if they cannot be delivered to the member. The letter of transmittal explains why they have not been delivered. The letter and the documents are filed in the master personnel records (MPerR).

§ 888h.8 Incomplete DD Form 214.

It is most important that every DD Form 214 be complete at the time it is issued. When it is not possible to get all the information needed and the DD Form 214 cannot be completed, the separating facility:

(a) Tells the separatee that a DD Form 215 will be issued when the missing information is available and by whom it will be issued (§ 888h.23).

(b) Advises the separatee to contact that agency if the DD Form 215 is not received within 60 days.

(c) Makes the entry in the remarks section of the DD Form 214 required by § 888h.22.

(d) Obtains the missing information as soon as possible.

(e) Sends the field record group (FRGp) to ARPC or AFMPC (AFR 35-44 Military Personnel Records System) with a letter explaining the need for the DD Form 215. List the incomplete items and give the information to be shown on the DD Form 215. If some of the information has not been obtained, tell what action was taken. This letter must be signed by the CBPO/CH or similar official in other separating facilities. Staple the letter to the front of the FRGp.

§ 888h.9 Separation delayed.

Separation is effective at 2400 hours on the separation date. If word is received before that time that the member will not separate for any reason, the separation documents are destroyed. New documents are prepared when the member is separated.

§ 888h.10 Responsibility for issuance.

Normally, the CBPO responsible for separation processing issues separation documents. In other cases:

(a) HQ AFMPC/DPMDO issues discharge certificates for members who are removed from the TDRL and discharge.

(b) ANGUS and USAFR CBPOs or CRPOs servicing the unit of assignment prepare the DD Form 214 when § 888h.12, rule 3, applies.

§ 888h.11 Authorized discharge certificates.

The text of this section is filed as part of the original document.

§ 888h.12 Issuance of DD Form 214.

The text of this section is filed as part of the original document.

§ 888h.13 Discharge and retirement certificates.

Section 888h.21 shows the types of certificates that may be issued to officers and airmen. Section 888h.21 shows the entries authorized for discharge certificates. Refer to AFM 35-7, Service Retirements, for authorized entries on DD Form 363AF. Certificates are not issued to:

(a) Members who are released from active duty and transferred to a Reserve component.

(b) Reserve members released from active duty to revert to a Reserve component.

(c) Commissioned officers sentenced to dismissal by a general court-martial or by Presidential action.

(d) Officers who are dropped from the rolls of the Air Force.

(e) Officers on vacation of appointment by acceptance of:

(1) An incompatible office; or

(2) A civil office (10 U.S.C. 973).

(f) Officers sentenced to dismissal and released from active duty pending completion of court-martial action.

(g) Warrant officers sentenced to dishonorable discharge and released from active duty pending completion of the court-martial action.

(h) Warrant officers separated due to forfeiture of office under the criminal laws of the United States.

(i) Warrant officers dishonorably discharged as a result of trial by court-martial.

(j) Officers whose temporary appointments are terminated according to 10 U.S.C. 8447.

§ 888h.14 Correction of DD Form 214.

DD Form 215 is used to correct errors on DD Form 214 discovered after the original and copies have been distributed. Field installations are not authorized to issue DD Form 215. Section 888h.23 lists the agencies authorized to issue DD Form 215. If an error is found on a DD Form 214 after the member has left the base, notify the agency responsible for issuing the DD Form 215. Distribution of DD Form 215 is the same as the distribution of the DD Form 214.

§ 888h.15 Narrative reason for separation.

In a letter prepared according to § 888h.19 the separatee shall be offered a written narrative description of the reson for separation.

§ 888h.16 Reaccomplishment of DD Form 214.

A current or former Air Force member may ask that a DD Form 214 be reaccomplished. The individual mails or takes the original DD Form 214 to the nearest CBPO.

(a) The CBPO/DPMQS then:

(1) Masks the following items on the original DD Form 214: Reason and Authority, Reenlistment Eligibility Code, Limitations on Reentry in Air Force, Elimination from OTS, and Aptitude Index Scores. The masking must be done carefully so the original DD Form 214 will not be defaced.

(2) Makes two reproduced copies of the form on plain white paper while the masking is in place.

(3) Fills the blank spaces for Reason and Authority and Reenlistment Eligibility Code with dash lines.

(4) Authenticates the copies with the official stamp used, or supplied, by the local special orders authenticating agency.

(5) Gives one copy to the individual with the original DD Form 214.

(6) Sends the other copy to the custodian of the individual's MPerR.

(b) The CBPO/DPMQS should retype the entire DD Form 214 on a three-part form, if the individual insists. In these cases, the CBPO/DPMQS:

(1) Enters information from the original DD Form 214 in all items except 9c, 10, notes (b)(16) and (17), and notes c(1) and (3).

(2) Obtains the signature of a person authorized to sign in item 30.

(3) Destroys the copy 3 and completes authentication and distribution of the original and copy 2 according to (a)(4), (5), and (6) of this section.

§ 888h.17 Individual requests for narrative reasons.

Current or former members of the Air Force may ask for a narrative description of the reason for separation. The individual must furnish the original DD Form 214 received at the end of the period of service.

(a) If the reason for separation can be determined from the DD Form 214, DBPO/DPMQS:

(1) Replies in a letter prepared according to the format shown in § 888h.20 and signed by a person authorized to sign DD Forms 214.

(2) Returns the original DD Form 214 to the individual with the original letter containing the narrative reason.

(3) Sends a copy of the letter to the custodian of the individual's MPerR.

(b) If the reason for the separation cannot be determined, the CBPO/DPMQS:

(1) Refers the request to HQ AFMPC/DPMAKE, Randolph AFB TX 78148.

(2) Notifies the individual of the referral.

§ 888h.18 Replacement of separation certificates.

Applications for replacement of separation certificates are processed according to Part 887 of this chapter.

§ 888h.19 Sample letter, entitlement to narrative reason.

The text of this section is filed as part of the original document.

§ 888h.20

Sample letter, reply to former member.

The text of this section is filed as part of the original document.

§ 888h.21 Authorized entries on discharge certificates.

The text of this section is filed as part of the original document.

§ 888h.22 Instructions for preparation of DD Form 214.

The text of this section is filed as part of the original document.

§ 888h.23 Responsible agency for correction of separation documents.

The text of this section is filed as part of the original document.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison, Directorate of Administration.

[FR Doc. 78-6810 Filed 3-15-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-134]

PART 87—72 COLREGS: IMPLEMENTING RULES

Alternative Compliance for Coast Guard Vessels

AGENCY: Coast Guard, DOT.

ACTION: Correction to final rule.

SUMMARY: This document makes corrections to a document which appeared in the November 3, 1977, issue of the FEDERAL REGISTER (42 FR 57648). The document contains amendments updating and relocating in the Code of Federal Regulations exemptions for Coast Guard vessels from the international, inland, and Great Lakes rules.

EFFECTIVE DATE: March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

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

In FR Doc. 77-31891 appearing at page 57649 in the FEDERAL REGISTER of November 3, 1977, the following corrections are made:

On page 57649 first column:

1. In paragraph (e) under Rule 23, 72 COLREGS "USCGC *Blackthorn* (WLB-391)" is added to follow "USCGC *Blackhaw* (WLB-390)" and precede "USCGC *Bramble* (WLB-392)".

2. In paragraph (g)(1) under Rule 23, 72 COLREGS "USCGC *Reliance* (WTR-1)" is added to follow "USCGC *Diligence* (WMEC-616)" and precede "USCG *Vigilant* (WMEC-617)."

Dated: March 13, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 78-7036 Filed 3-15-78; 8:45 am]

[6315-01]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6910-2d]

PART 1069—GRANTEE PERSONNEL MANAGEMENT

Subpart—Per Diem Rates for CSA Grantees and Delegate Agencies

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing its final rule governing grantee travel. On September 14, 1977, the General Services Administration filed changes to the Federal travel regulations in the FEDERAL REGISTER to be effective on or after September 18, 1977. Since CSA grantees are required to comply with the Federal travel regulations, this rule will inform them of the changes thereto.

DATES: This rule is effective March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Maryann J. Fair, 202-254-5047.

SUPPLEMENTARY INFORMATION: Although the Federal travel regulations do not apply by their terms to CSA grantees or delegate agencies, CSA has determined that the regulations contained therein represent reasonable restrictions and limitations which CSA grantees and delegate agencies should not exceed for travel within the 48 contiguous States and the District of Columbia. The Per Diem, Travel and Transportation Allowance Committee, Department of Defense, prescribes the per diem rates for civilian travel by Federal employees in Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States.

The Federal travel regulation's were amended, effective September 18, 1977, to include additional cities designated as high rate geographical areas and to increase the rates at three locations previously established: Chicago Ill.; Newark, N.J.; and San Francisco Calif. This rule informs grantees of these changes and permits grantees to implement the regulation retroactively to the effective date.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530, 42 U.S.C 2942.

GRACIELA (GRACE) OLIVAREZ,
Director.

45 CFR §§ 1069.4-1 to 1069.4-5 are revised to read as follows:

Sec.
1069.4-1 Applicability.
1069.4-2 Purpose.
1069.4-3 Policy.
1069.4-4 Methods of reimbursement.
1069.4-5 Computation of expenses.

§ 1069.4-1 Applicability.

This subpart applies to all grant programs financially assisted under Titles II, III-B, and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.4-2 Purpose.

The purpose of this subpart is to establish the method for CSA grantees and delegate agencies to compute per diem rates.

§ 1069.4-3 Policy.

(a) Grantees and delegate agencies that follow the travel policies in the FTR are hereby authorized to reimburse employees, consultants and members of governing or administering boards up to a maximum per diem rate not in excess of $35 except when actual subsistence expenses travel is authorized or approved due to the unusual circumstances of the travel assignment or travel to a designated high rate geographical area.

(b) The FTR per diem and actual expense rates are maximum and are not intended to be applied on a blanket basis to all grantee or delegate agency travel. Grantees and delegate agencies shall establish the traveler's own rules for determining when the maximum (whether FTR or the agency's own lower maximum) shall be used and when the lower rates shall apply. Factors which should be considered when setting per diem rates are cost of lodging and meals in the locality; availability of meals and lodging at temporary duty locations without charge, or at nominal cost; special rates for meals and lodging at meetings or conferences; and extended duty at a place where the traveler may obtain accommodations at reduced rates.

(c) The maximum rates adopted by a grantee or delegate agency for official travel outside the continental United States shall be no higher than those prescribed by the Civilian Personnel Per Diem Bulletin.

(d) Increased travel costs necessitated by increased per diem rates must be absorbed within existing grant funds.

(e) Although the per diem rates in this subpart are effective for travel performed on or after September 18, 1977,[1] each grantee will make its own policy on whether or not to reimburse travel performed between that date and the effective date of this regulation.

[1]Effective date of changes to Federal travel regulations published in the FEDERAL REGISTER by the General Services Administration on September 14, 1977.

§ 1069.4-4 Methods of reimbursement.

(a) *Per diem rate reimbursement.* The amount of the per diem paid must be based on the average lodging cost per trip (including applicable taxes) not to exceed $19, plus a daily allowance for meals and miscellaneous expenses not to exceed $16. However, if an agency's own travel policies establish a lower maximum per diem rate, or the terms of its grant require a lower rate, the lower maximum applies.

(b) *Travel to high rate geographical areas.* Also allowed is the payment of actual subsistence expenses whenever temporary duty travel is performed to or in a location designated by the General Services Administration as a high rate geographical area, except when the high rate area is only an intermediate stopover point at which no official duty is performed.

Designated high rate geographical areas	Prescribed maximum daily rate
Albany, N.Y	$39.00
Baltimore, Md	41.00
Boston, Mass. (all locations within the corporate limits of Boston and Cambridge, Mass.)	49.00
Bridgeport, Conn	40.00
Chicago, Ill. (all locations within the corporate limits thereof)	45.00
Charleston, W. Va	39.00
Dallas, Tex	39.00
Detroit, Mich	42.00
Hartford, Conn	39.00
Houston, Tex	41.00
Las Vegas, Nev	48.00
Los Angeles, Calif. (all locations within the outer boundaries of the corporate limits of the city of Los Angeles, including those areas surrounded by the city of Los Angeles and the Pacific coastline)	40.00
Miami, Fla	43.00
Milwaukee, Wis	39.00
Minneapolis, Minn	41.00
Newark, N.J	45.00
New Orleans, La	44.00
New York, N.Y. (all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island)	50.00
Philadelphia, Pa. (all locations within the city of Philadelphia)	46.00
Providence, R.I	40.00
San Francisco, Calif	45.00
Washington, D.C. (all locations within the corporate limits of Washington, D.C.; the cites of Alexandria, Falls Church, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland)	50.00

(c) *Unusual circumstances.* (1) Actual subsistence expense reimbursement may be authorized or approved for specific travel assignment within and outside the continental United States when it is determined that maximum per diem allowance would be inadequate due to the unusual circumstances of the travel assignment.

(2) Actual subsistence expense reimbursement shall not be authorized or approved solely on the basis of inflated lodging and/or meal costs since inflated costs are common to all travelers; some unusual circumstances of the traveler's assignment must be involved to cause the lodging and/or meal costs to be higher than those which normally would be incurred at a particular location.

(3) Travel which involves unusual circumstances may include, but is not limited to, the following situations: (i) The traveler attends a meeting, conference, or training session away from his/her official duty station where lodging and/or meals must be procured at a prearranged place (such as the hotel where the meeting, conference, or training session is being held) and the lodging costs, incurred because of such prearranged accommodations, absorb all or practically all of the maximum per diem allowance. (ii) The traveler, by reasons of the assignment, necessarily incurs unusually high expenses in the conduct of official business such as for superior or extraordinary accommodations including a suite or other quarters for which the charge is well above that which he/she would normally have to pay for accommodations. (iii) The traveler necessarily incurs unusually high expenses incident to his/her assignment to accompany another traveler in a situation as described above.

(4) For travel within the continental United States involving unusual circumstances the maximum daily rate is $50.

§ 1069.4-5 Computation of expenses.

(a) Travel may be authorized on both per diem basis and an actual subsistence expense basis during a single trip when travel is performed in several locations including high rate geographical areas; however, only one method of reimbursement (per diem or actual subsistence expense) shall be authorized within the same day.

(b) In instances of mixed travel involving both per diem and actual subsistence expenses, or several high rate geographical areas the method of reimbursement and authorized rate for a calendar day (beginning at 12:01 a.m.) shall be determined by the location where the lodgings are obtained for that day. For example, when a traveler travels to a high rate geographical area where he/she performs official duties and obtains lodging, the reimbursement would be made under the actual subsistence expense method for the entire day not to exceed the maximum rate prescribed for the high rate area where the lodgings were obtained.

(c) The method of reimbursement for the day of return travel shall be computed at the same rate as authorized for the first day of travel. For example, if a traveler is authorized actual subsistence expense reimbursement for the first day of travel, reim-

bursement for the day of return shall also be on actual subsistence basis; if per diem is authorized for the first day of travel, per diem shall also be authorized for the day of return to home or official station.

(d) *Per diem.* (1) To determine the average cost of lodging, divide the total amount paid for lodgings during the period covered by the voucher by the number of nights for which lodgings were or would have been required while away from the official station, including any nights for which free lodging, if any, was received. Exclude from this computation the night of the employee's return to his/her residence or official station. If the average cost of lodging exceeds $19, $19 shall be used as the average cost of lodging.

(2) To the average cost of lodging add the allowance for meals and miscellaneous expenses. The resulting amount rounded to the next whole dollar, subject to the maximum, is the per diem rate to be applied to the traveler's reimbursement voucher. This rate will be multiplied by the number of days or quarterly fractions thereof to determine the amount of per diem for which the traveler is reimbursed.

(3) Receipts for lodging costs may be required at the discretion of each agency; however, employees are required to certify on their vouchers that per diem claimed is based on the average cost for lodging while on official travel within the continential United States during the period covered by the voucher.

(e) *Actual subsistence expenses.* For travel to designated high rate geographical areas and under unusual circumstances (§ 1069.4-4(c)) the traveler must itemize on his/her travel voucher the cost of each meal (no receipt required) and the actual cost of each night's lodging supported by hotel or motel receipts. The traveler shall be reimbursed for the actual expenses incurred for each day or the daily maximum, whichever is lower. If actual expenses for a given day exceed the daily maximum the excess may not be applied to another day in which actual expenses are less than the daily maximum.

[FR Doc. 78-7040 Filed 3-15-78; 8:45 am]

[1505-01]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-008]

PART 160—LIFESAVING EQUIPMENT

Personal Flotation Devices, Label Rewording

Correction

In FR Doc. 78-5886 appearing on page 9769 in the issue of Thursday, March 9, 1978, on page 9771 in § 160.050-6(a), the 9th line should read:

"(32 lb. or 16½ lb.).".

In § 160.055-8(b), the 3rd line should read:

"(Type I or Type V) Personal Flotation Device.".

Also, on page 9771, in the 3rd column, the last paragraph should read, "12. By revising paragraphs (a)(1) and (a)(2) of § 160.064-4 to read as follows:".

On page 9772, in the 3rd column, the 3rd line should read, "160.060-7 and 160.064-3.".

[4910-62]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Appendix A—Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment updates the moving expense schedules for displaced persons. The purpose of this updated schedule is to reflect changes in the moving expense schedule for certain States.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

John Murnane, Relocation Assistance Division, Office of Right-of-Way, 202-426-0156; or Reid Alsop, Office of the Chief Counsel, 202-426-0800, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours Monday-Friday from 7:45 a.m. to 4:15 p.m. e.s.t.

SUPPLEMENTARY INFORMATION:

Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To insure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, 41 CFR Part 101-6, provide in § 101-6.105-1 that the schedule shall be maintained by the respective State highway departments, and approved and disseminated by the Federal Highway Administration.

49 CFR 25.153 of the regulations of the Office of the Secretary, implementing the Uniform Act, directs the Federal Highway Administration to establish and maintain the moving expense schedule in appendix A to part 25 of title 49 and to update it semiannually. The purpose of this amendment is to revise the current schedule, which was published on July 13, 1977 (42 FR 35960), to reflect changes in the moving expense schedules of the following States:

Table I—Personalty—Iowa and Texas.

Issued on: March 9, 1978.

KARL S. BOWERS,
Deputy Administrator.

Table I--Personalty

State	Occupant provides furniture: Number of rooms of furniture: 1	2	3	4	5	6	7	8	9	10	Occupant does not provide furniture: First room	Each additional room
Alabama	60	95	130	165	200	235	270	300	.....		20	15
Alaska	75	150	200	250	275	300	.....				15	15
Arizona	50	100	150	200	250	300	.....				25	15
Arkansas	70	110	150	190	230	270	300	.....			40	20
California	75	100	150	200	250	300	.....				25	15
Colorado	120	180	240	300	.....						30	20
Connecticut	50	90	140	170	230	260	300	.....			15	15
Delaware	60	100	140	180	220	260	300	.....			25	15
District of Columbia	100	135	170	210	250	290	300	.....			35	15
Florida	60	90	120	150	180	210	240	270	300	....	20	10
Georgia	55	95	130	170	200	260	300	.....			30	10
Guam	48	85	120	168	205	240	300	.....			10	10
Hawaii	65	100	135	175	215	255	295	300	.....		45	30
Idaho	60	100	140	180	220	260	300	.....			20	10
Illinois	50	100	150	200	250	300	.....				25	15
Indiana	50	90	125	160	195	230	265	300	.....		25	15
Iowa	75	140	195	240	275	300	.....				30	12
Kansas	60	120	180	240	300	.....					30	10
Kentucky	50	90	130	170	210	250	290	300	.....		20	15
Louisiana	50	85	120	155	190	225	260	300	.....		40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	80	110	145	185	230	275	300	.....			20	10
Massachusetts	60	130	150	190	225	250	275	300	.....		25	15
Michigan	65	130	180	240	300	.....					50	10
Minnesota	75	125	175	225	250	275	300	.....			30	15
Mississippi	75	100	160	210	260	300	.....				40	20
Missouri	50	100	150	200	250	300	.....				25	10
Montana	55	85	115	145	175	200	225	250	275	300	25	15
Nebraska	50	100	150	200	250	300	.....				30	10
Nevada	50	100	150	200	250	300	.....				25	15
New Hampshire	50	100	125	150	175	200	225	250	275	300	25	15
New Jersey	80	140	195	245	300	.....					25	15
New Mexico[1]	105	155	205	255	300	.....					(See end of table)	
New York	75	110	150	190	225	250	275	300	.....		25	15
North Carolina	60	95	130	165	200	235	270	300	.....		25	20
North Dakota	60	100	125	150	175	200	225	250	275	300	25	10
Ohio	50	100	150	200	250	300	.....				30	10
Oklahoma	50	85	120	155	190	225	260	300	.....		40	15
Oregon	60	100	140	180	220	260	300	.....			15	15
Pennsylvania	60	105	150	195	240	285	300	.....			20	20
Puerto Rico	75	105	135	165	195	225	250	275	300	....	25	25
Rhode Island	50	90	125	150	175	200	225	250	275	300	25	10
South Carolina	95	125	165	205	235	250	270	300	.....		15	10
South Dakota	75	130	175	210	240	290	300	.....			40	10
Tennessee	75	100	150	200	250	300	.....				25	15
Texas	50	85	120	150	185	220	260	300	.....		30	15
Utah	75	100	130	155	180	210	240	270	300	....	25	15
Vermont	50	90	125	150	175	200	225	250	275	300	25	10
Virginia	60	80	120	160	200	240	280	300	.....		30	10
Virgin Islands	105	150	195	240	275	300	.....				35	35
Washington[2]	70	120	150	180	210	240	270	300	.....		20	10
West Virginia[3]	60	100	140	180	220	260	300	.....			25	10
Wisconsin	50	90	130	170	210	240	270	300	.....		25	15
Wyoming	50	85	120	150	185	225	265	300	.....		30	15

[1]Furnished units including sleeping rooms. Occupant does not own furniture.

First Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	9 Rooms	10 Rooms
$45	$86	$107	$128	$149	$170	$191	$212	$233	$254

to a maximum of $300

[2]For mobile homes (whether or not occupant provides furniture):

First room	Each additional room
$50	$25

[3]Where occupant does not provide furniture, allowance for 2 rooms is $40.

Table II--Mobile Homes

State	Miles (Kilometres): More than	But not more than	Area--Square Feet (Square Metres): More than	But not more than	Width--Feet (Metres): More than	But not more than	Allowance Dollars
Alabama			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			280
			800 (74.4)				300
Alaska	All trailers						300
Arizona			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Arkansas					0 (0)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
California[1]					0 (0)	8 (2.4)	(see 1-end of table)
					8 (2.4)		
Colorado[2]							(see 2-end of table)
Connecticut[3]					0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
Delaware			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Florida			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	850 (79.1)			250
			850 (79.1)				300
Georgia			0 (0)	400 (37.2)			95
			400 (37.2)	500 (46.5)			125
			500 (46.5)	600 (55.8)			185
			600 (55.8)	850 (79.1)			245
			850 (79.1)				300
Guam			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Hawaii			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Idaho			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Illinois	0 (0)	24 (38.6)			0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
	24 (38.6)	50 (80.5)			0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	200
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300

See footnotes at end of table.

Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Indiana					0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	185
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Iowa	0 (0)	25 (40.2)			0 (0)	8 (2.4)	130
					8 (2.4)	10 (3)	150
					10 (3)	12 (3.7	180
					12 (3.7)		230
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	170
					10 (3)	12 (3.7)	200
					12 (3.7)		300
Kansas			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			160
			400 (37.2)	600 (55.8)			240
			600 (55.8)				300
Kentucky[4]					0 (0)	8 (2.4)	240
					8 (2.4)	10 (3)	285
					10 (3)	12 (3.7)	300
Louisiana					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	175
					12 (3.7)	14 (4.3)	225
					14 (4.3)		275
Maine					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Maryland			0 (0)	200 (18.6)			110
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			165
			600 (55.8)	800 (74.4)			195
			800 (74.4)	1,000 (93)			220
			1,000 (93)	1,200 (111.6)			250
			1,200 (111.6)				300
Massachusetts			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			200
			600 (55.8)				300
Michigan					0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	230
					10 (3)	12 (3.7)	280
					12 (3.7)		300
Minnesota[4]	0 (0)	10 (16)			0 (0)	10 (3)	125
					10 (3)	12 (3.7)	135
					12 (3.7)	14 (4.3)	150
					14 (4.3)		175
	10 (16)	25 (40.2)			0 (0)	10 (3)	130
					10 (3)	12 (3.7)	140
					12 (3.7)	14 (4.3)	155
					14 (4.3)		185
	25 (40.2)	50 (80.5)			0 (0)	10 (3)	140
					10 (3)	12 (3.7)	150
					12 (3.7)	14 (4.3)	175
					14 (4.3)		200

See footnotes at end of table.

Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Mississippi			0 (0)	300 (27 9)			150
			300 (27 9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Missouri			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Montana[4]					0 (0)	10 (3)	135
					10 (3)	12 (3.7)	150
					12 (3.7)	14 (4.3)	175
					14 (4.3)		225
Nebraska			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Nevada			0 (0)	400 (37.2)			150
			400 (37.2)	500 (46.5)			200
			500 (46.5)	600 (55.8)			250
			600 (55.8)				300
New Hampshire	All Mobile Homes						300
New Jersey			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Mexico[4,5]	0 (0)	20 (32.2)			0 (0)	8.5 (2.6)	141
					8.5 (2.6)	10.5 (3.2)	181
					10.5 (3.2)	12.5 (3.8)	191
					12.5 (3.8)		251
	20 (32.2)	50 (80.5)			0 (0)	8.5 (2.6)	161
					8.5 (2.6)	10.5 (3.2)	191
					10.5 (3.2)	12.5 (3.7)	206
					12.5 (3.7)		246
New York			0 (0)	300 (27.9)			100
			300 (27.9)	500 (46.5)			150
			500 (46.5)	700 (65.1)			200
			700 (65.1)	800 (74.4)			250
			800 (74.4)				300
North Carolina[4,6]					0 (0)	10 (3)	105
					10 (3)	12 (3.7)	140
					12 (3.7)		200
North Dakota			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300

See footnotes at end of table.

Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Ohio[4]	0 (0)	10 (16)	0 (0)	320 (29.8)			130
			320 (29.8)	500 (46.5)			150
			500 (46.5)	840 (78.1)			170
			840 (78.1)	1,120 (104.2)			205
			1,120 (104.2)				250
	10 (16)	25 (40.2)	0 (0)	320 (29.8)			135
			320 (29.8)	500 (46.5)			155
			500 (46.5)	840 (78.1)			190
			840 (78.1)	1,120 (104.2)			220
			1,120 (104.2)				275
	25 (40.2)	50 (80.5)	0 (0)	320 (29.8)			145
			320 (29.8)	500 (46.5)			165
			500 (46.5)	840 (78.1)			200
			840 (78.1)	1,120 (104.2)			250
			1,120 (104.2)				300
Oklahoma					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	175
					12 (3.7)	14 (4.3)	225
					14 (4.3)		275
Oregon			0 (0)	200 (18.6)			100
			200 (18.6)	600 (55.8)			200
			600 (55.8)				300
Pennsylvania			0 (0)	300 (27.9)			130
			300 (27.9)	500 (46.5)			225
			500 (46.5)	800 (74.4)			275
			800 (74.4)				300
Rhode Island					0 (0)	8 (2.4)	225
					8 (2.4)	10 (3)	250
					10 (3)	12 (3.7)	275
					12 (3.7)		300
South Carolina[4]					0 (0)	10 (3)	140
					10 (3)	12 (3.7)	150
South Dakota					0 (0)	10 (3)	230
					10 (3)	12 (3.7)	270
					12 (3.7)		300
Tennessee[4]					0 (0)	10 (3)	100
					10 (3)		150
Texas					0 (0)	8.5 (2.6)	165
					8.5 (2.6)	10.5 (3.2)	210
					10.5 (3.2)	12.5 (3.8)	255
					12.5 (3.8)	14.5 (4.4)	300
Utah[4]	0 (0)	10 (16)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	145
					10 (3)	12 (3.7)	165
					12 (3.7)		200
	10 (0)	25 (40.2)			0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	155
					10 (3)	12 (3.7)	175
					12 (3.7)		225

See footnotes at end of table.

Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Utah--Continued	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	160
					10 (3)	12 (3.7)	190
					12 (3.7)		250
Vermont[7]					0 (0)	8 (2.4)	155
					8 (2.4)	10 (3)	185
					10 (3)	12 (3.7)	215
					12 (3.7)		250
Virginia			0 (0)	200 (18.6)			150
			200 (18.6)	400 (37.2)			200
			400 (37.2)	600 (55.8)			250
			600 (55.8)	800 (74.4)			300
Washington[8]			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
West Virginia			0 (0)	300 (27.9)			100
			300 (27.9)	450 (41.9)			150
			450 (41.9)	550 (51.2)			225
			550 (51.2)				300
Wisconsin					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Wyoming[4]					0 (0)	8.5 (2.6)	135
					8.5 (2.6)	10.5 (3.2)	165
					10.5 (3.2)	12.5 (3.8)	185
					12.5 (3.8)		220

[1]Width to 8' (2.4 m) Length 40' (12.2 m).....$200
Length 40' (12.2 m).....$300
Width over 8' (2.4 m) Length 40' (12.2 m).....$300
Length 40'+ (12.2 m).....$300

[2]Under 8' (2.4 m) x 40' (12.2 m) - Unskirted $150
Over 8' (2.4 m) x 40' (12.2 m) - $300

[3]Plus $50 for expandable trailer.

[4]$300 for double trailer.

[5]Escort fee included.

[6]Personalty Only

Width	Under 10 feet (3 m)	10 feet (3 m)	12 feet (3.7 m) and over	Doubles
	$40	$50	$70	$100

[7]$50 for extras.

[8]Personalty Only
First room.....$50
Each additional room.....$25

[FR Doc. 78-6848 Filed 3-15-78; 8:45 am]

[4910-60]

CHAPTER I—DEPARTMENT OF TRANSPORTATION, MATERIALS TRANSPORTATION BUREAU

[Docket No. HM-150; Amdt. Nos. 171-38, 172-41]

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Radioactive Materials Imported Into the United States

AGENCY: Materials Transportation Bureau (NTB), DOT.

ACTION: Final rule.

SUMMARY: These amendments permit packages of Type A and low specific activity radioactive materials which have been prepared in accordance with the quantity limitations of the most recent International Atomic Energy Agency (IAEA) Standards to be imported into the United States (U.S.). These amendments permit such IAEA quantity limitations to be used in place of existing DOT quantity limitations since differences between the two requirements are small and importation of Type A and low specific activity materials would be unnecessarily hindered without these amendments.

EFFECTIVE DATE: March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. A. W. Grella, Chief, Technology Division, Office of Hazardous Materials Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590, 202-426-2311.

SUPPLEMENTARY INFORMATION: Most countries of the world, as well as all of the major international transport organizations, have now adopted the most recent standards contained in the IAEA's "Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition." In the U.S., the MTB is preparing a notice of proposed rulemaking to bring U.S. requirements in 49 CFR Parts 100-199 for transport of radioactive materials into closer conformity with the 1973 IAEA Standards. It is anticipated that this notice will be issued concurrently with a notice being prepared by the U.S. Nuclear Regulatory Commission (USNRC) proposing to make its regulations (10 CFR Part 71) conform with the IAEA Standards. However, until those regulatory actions are completed, these amendments authorize the acceptance into the United States, and transport to destination, packages which conform to the 1973 IAEA Standards for Type A or low specific activity radioactive materials.

On May 26, 1977 the MTB published Notice 77-4 in Docket HM-150 (42 FR 27002) proposing the amendments adopted herein. As pointed out in the preamble to that notice, the allowable activity limits for Type A quantities and for low specific activity radioactive materials as set forth in 1973 IAEA Standards are at variance with the limits in the current DOT Hazardous Materials Regulations which are based essentially on 1967 IAEA Standards. Because of this, packages of such materials imported into the United States, while meeting the standards of the originating country or international intergovernmental transport organizations, and meeting the U.S. requirements, except for quantity (activity), cannot be transported in commerce in the U.S. without further repackaging.

A total of seven public comments were received in response to this notice. Four of these, including the USNRC, expressed unqualified support for the proposal. Two other commenters expressed support for its intent, but qualified their support. These qualifications were: (1) "If IAEA limits are used for import, then there would be a need for this to be documented on shipping papers to justify larger amounts." The MTB agrees with this comment, and has therefore included in this amendment a new paragraph 172.203(d)(1)(ix) which requires that the shipping papers for shipments being imported into the U.S. be annotated to indicate that the shipment of Type A or low specific activity materials has been limited in accordance with the 1973 IAEA regulations under the provisions of § 171.12. (2) That IAEA limits will only be used when the amount listed exceeds DOT (49 CFR) maximums, thus, discriminating against U.S. shippers. To some extent, the MTB agrees with this comment. As pointed out earlier, however, this amendment is essentially an "interim" step to reduce problems of noncompatibility of U.S. regulations with regulations of other countries and international transport organizations until the U.S. has completed its overall regulatory actions to adopt the 1973 IAEA Standards. Accordingly, a change to reflect this comment has not been made. (3) That confusion might be created due to a "regulatory requirement that a somewhat complex mathematical formula be used to calculate the curie makeup per package." The MTB does not agree with this comment, since in the current DOT regulations and in any regulations based on 1973 IAEA Standards, the package activity limit for Type A quantities of most radionuclides is expressed specifically in a table. Only in the case of unlisted radionuclides is it necessary to use calculative formulae, and this is the case in both the current DOT regulations and the 1973 IAEA Standards.

Finally, objection to the proposal was received from the U.S. Environmental Protection Agency (EPA). The objection was stated as follows:

> EPA's position regarding Docket No. HM-150 is that the continuing use of existing IAEA regulations for radiation protection during the shipment of radioactive materials is unacceptable, since they have not been derived in accordance with U.S. Federal Radiation Protection Guidance. However, if DOT makes a commitment to develop radiation protection regulations for transportation based on the U.S. Guidance during the forthcoming revisions of the IAEA regulations, EPA has no objection to adoption of the proposed rule. This conclusion is based on our belief that although the level of protection afforded by current IAEA regulations appears adequate, it has not been subjected to an "as low as practicable" analysis as required by the U.S. Guidance.

The MTB does not agree with the EPA's contention that neither the current DOT regulations nor the 1973 IAEA regulations were derived in accordance with the principle "that all radiation exposure of the public be maintained '. . . as far below the (Federal Radiation Protection) guides as practicable'."

It should be emphasized that the current DOT regulations in 49 CFR applicable to radioactive materials have evolved over the years under the rulemaking procedures of 5 U.S.C. 551 et seq. These regulations, based on the 1967 IAEA Standards, became effective on December 31, 1968 (33 FR 14918, Oct. 4, 1968), following a notice of proposed rulemaking and extensive public comments thereon. As pointed out earlier, the DOT and USNRC expect to publish notices in the near future proposing to adopt changes to 49 CFR and 10 CFR based on the 1973 IAEA Standards.

The MTB further contends that it is not necessary for the Department to make "a commitment to develop radiation protection regulations for transportation based on the U.S. Guidance during the forthcoming revisions of the IAEA regulations. . . ." In this context, the EPA is apparently alluding to possible future considerations by the IAEA for changes beyond those already promulgated by that Agency in its 1973 revised regulations. In that regard, there have been some recent indications that IAEA may consider a future examination of some of its standards in light of anticipated new recommendations expected to be issued in the near future by the International Commission on Radiation

Protection (ICRP). In those recommendations, it is expected that ICRP may discuss further the application to the concept of "as low as reasonably achievable" to radiation protection standards and practices.

In light of the above, the MTB concludes that the EPA objection, as stated above, is not actually germane to the issue at hand. The major question is not the adequacy of either the existing DOT or IAEA regulations, whether based on the 1967 or 1973 IAEA Standards, but rather, whether the U.S. should adopt a provision for acceptance of packages from other countries during an "interim" period in which the U.S. regulations are not consistent with the regulations of other countries.

Primary drafters of this document are Alfred W. Grella, Technology Division, Office of Hazardous Materials Operations, and George W. Tenley, Jr., Office of the Chief Counsel, Research and Special Programs Directorate.

In consideration of the foregoing, Parts 171 and 172 of Title 49, Code of Federal Regulations, are amended as follows:

1. In § 171.7 paragraph (d)(10) is revised to read as follows:

§ 171.7 Matter incorporated by reference.

(d) * * *

(10) IAEA "Regulations for the Safe Transport of Radioactive Materials", 1967 Edition and 1973 Revised Edition, Safety Series, No. 6.

* * * * *

2. In § 171.12, paragraph (e) is added to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(e) Not withstanding the quantity limitations of § 173.389 (c) and (L) of this subchapter, any package of radioactive materials (except for fissile radioactive materials or Type B quantities under § 173.393b of this subchapter) which otherwise conform to the requirements of this subchapter applicable to Type A quantities or low specific activity materials may be offered and accepted for transportation and transported within the United States if—

(1) The package is being imported into the United States, or is passing through in the course of being shipped between places outside the United States;

(2) The country of origin has adopted the Type A quantity limitations and low specific activity materials definition set forth in the IAEA Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition; and

(3) The contents of the package have been limited as a Type A quantity or a low specific activity material in accordance with the IAEA Type A quantity limitations and low specific activity materials definition adopted by the originating country.

3. In § 172.203 paragraph (d)(1)(ix) is added to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(d) * * *

(1) * * *

(ix) For a shipment of radioactive materials being offered and accepted for transportation and transported within the United States under the provisions of § 171.12(e) of this subchapter, the shipping paper shall be annotated with the following entry:

This shipment contains packages of Type A/low specific activity radioactive materials limited in accordance with the 1973 IAEA Regulations, pursuant to the provisions of 49 CFR 171.12(e). (Non-applicable entry to be deleted.)

* * * * *

AUTHORITY: (49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e)).

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on March 7, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

[FR Doc. 78-6522 Filed 3-15-78; 8:45 am]

[4910-59]

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

[OST Docket No. 48; Amdt. 1]

FINANCIAL ASSISTANCE TO PARTICIPANTS IN ADMINISTRATIVE PROCEEDINGS

Extension of Demonstration Program

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This announces the extension until further notice of the Department of Transportation's (DOT) one-year demonstration program of financial assistance to participants in certain administrative proceedings of the National Highway Traffic Safety Administration (NHTSA). The demonstration program was established to determine whether the process governing the making of administrative decisions will be enhanced by financially assisting participants whose representation contributes or can reasonably be expected to contribute to a full and fair determination of the issues, but who would otherwise be financially unable to participate effectively. Based on the NHTSA's favorable assessment of the effectiveness of the demonstration program, the Department has decided to extend the demonstration program until it reaches a decision with respect to the issuance of final departmental regulations.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard J. Hipolit, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-9511.

SUPPLEMENTARY INFORMATION: On January 13, 1977, the DOT promulgated regulations establishing a one-year demonstration program to test the value of providing financial assistance to certain participants in the Department's administrative proceedings, 42 FR 2863. The Department wished to determine whether the funding of participants whose viewpoints would otherwise be unrepresented or under-represented at its administrative proceedings would improve the balance of views expressed and the quality of evidence and arguments presented at these proceedings. The demonstration program applied only to NHTSA proceedings and was implemented jointly by representatives of the Office of the Secretary and the NHTSA. The one-year demonstration period ended January 13, 1978.

The NHTSA's evaluation of the program indicates that the idea of compensating participants in the Department's administrative proceedings is not only feasible, but is a valuable adjunct to existing rulemaking procedures. The NHTSA finds that compensating participants to represent otherwise unrepresented or under-represented interests and viewpoints does substantially assist the agency in promulgating fairer, more responsible regulations. The NHTSA also finds that the demonstration program has substantially assisted informed and interested members of the public in playing an effective role in the agency's decisionmaking process. The NHTSA has recommended some improvements in the present regulations to further facilitate effective public participation. The Department is considering the NHTSA's views at this time.

In the same January 13 document which established the demonstration

program, the Department also published an Advance Notice of Proposed Rulemaking to extend the demonstration program permanently to the entire Department. Comments received on the notice are also being analyzed and will supplement the Department's evaluation of the demonstration program as the basis for a decision on the wisdom and form of any permanent departmental regulations.

The NHTSA believes that the demonstration program should be extended until the Department reaches a decision with respect to the issuance of final departmental regulations. The Department agrees with the NHTSA that it is appropriate to extend the period of the demonstration program. Therefore, by order of the Department of Transportation, the demonstration program is hereby extended until further notice.

Since this amendment relates to departmental organization, practice and procedure, notice and comment thereon are unnecessary and this amendment may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

The lawyer principally responsible for the development of this final rule is Richard M. Lorr.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; Secs. 102, 201, 408, 501 et seq. Pub. L. 92-513, 86 Stat. 949, 15 U.S.C. 1912, 1941, 1988, 2001 et seq.; Pub. L. 95-85, 91 Stat. 409.)

Issued on March 3, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-6511 Filed 3-15-78; 8:45 am]

[4910-59]

[Docket No. 76-06, Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Speedometers and Odometers

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

ACTION: Final rule.

SUMMARY: This notice establishes a new Federal motor vehicle safety standard that requires vehicles to be equipped with speed indicators (speedometers) and distance indicators (odometers), establishes accuracy requirements for those indicators, limits indicated speed to 85 mph and 140 km/h, and requires the distance odometers to be tamper-resistant. The standard is issued under the National Traffic and Motor Vehicle Safety Act which requires the issuance of appropriate safety standards. This standard will provide each motor vehicle with instruments needed to maintain safe driving speeds, to maintain proper maintenance schedules, and to help ensure that the vehicle is in safe condition.

EFFECTIVE DATES: September 1, 1979, with the exception of sections S4.2.1-S4.2.5 which shall become effective as of September 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Kevin Cavey, Office of Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2720.

SUPPLEMENTARY INFORMATION: On December 13, 1976, the NHTSA published (41 FR 54204) a notice of proposed rulemaking (NPRM) that would reduce accidents on the nation's streets and highways by improving the performance of speedometers and odometers. It was anticipated that implementation of the proposal would aid in reducing speeds and in ensuring that vehicles are maintained in a safe condition.

The NPRM proposed that speedometers not indicate speeds higher than 85 mph. Thus, an 85 mph scale would be used instead of the 120 mph scale typically used now for the area of the speedometer swept by the moving speed indicator. Among the benefits cited by the NPRM is that the 85 mph limit would reduce the temptation of immature drivers to test the top speed of their vehicles on public roads. Another is that the limit would increase the readability of speedometers by encouraging the use of larger numbers or through greater spacing between the graduations.

The notice also proposed that odometers be required to indicate when the mileage had exceeded 100,000 miles or kilometres and that odometers be required to indicate when they had been reversed or be designed so that they could not be reversed. Odometers of used cars are frequently adjusted to mislead consumers about the mileage and condition of those vehicles. For example, a used vehicle with 95,000 miles on its odometer might have its odometer rolled back or forward to read 60,000 miles. The proposed requirements would reduce such tampering and would enable consumers who purchase used vehicles to know the actual mileage traveled by the vehicles. This knowledge is important also in helping a car owner to follow preventive maintenance schedules and to have the necessary repairs made. If an odometer is adjusted to indicate less mileage than a vehicle has actually travelled, the purchaser of the vehicle may be lulled into a false sense of security and forego needed maintenance or repairs.

Differences between the proposed and final rules. The proposed rule would have required speedometers to be graduated in miles per hour and allowed manufacturers the option of adding graduations in kilometres per hour. The final rule requires graduations in both systems of measurement. This provision will aid the conversion of the United States to the metric system, consistent with the Metric Conversion Act of 1975. Some road signs in this country and in neighboring countries already use the system. The dual graduations of speedometers will aid motorists in becoming acquainted with the metric system. As a result, their acceptance of the system and ability to use it will increase.

The proposed rule would have required speedometers to indicate a speed not more than 4 miles per hour above or below the actual vehicle speed when tested at any speed from 20 mph to a maximum of either 80 mph or the speed attainable in 1 mile if less than 80 mph. In view of the comments that repeated tests between 20 and 80 mph would be costly and that testing above the national speed limit of 55 mph should not be required, the NHTSA has revised that provision to require only that the specified level of speedometer accuracy be achieved when a vehicle is tested at speeds of 20 mph, 40 mph and 55 mph. Testing at these speeds should reduce compliance test costs and provide a reliable indication of speedometer accuracy when the vehicle is driven within the range of normal driving speeds.

The proposed rule would have prohibited the speedometer from displaying values that exceed 85 miles per hour or 137 kilometres per hour. The commenters suggested that 137 kilometres per hour be rounded off to 140 kilometres per hour. That suggestion has been incorporated into the final rule. Commenters also suggested using "kilometres" instead of "kilometers" so that our spelling of the term agrees with the National Bureau of Standards' metric spelling and that kph be changed to km/h for the sake of uniformity among the safety standards. These suggestions also have been adopted.

The final rule prohibits odometers from being reversible. This prohibition varies slightly from the proposal which would have given manufacturers the option of manufacturing odometers so that they either cannot be reversed or so that they indicate when they have been reversed. The latter option has been eliminated since the methods for indicating reversal do not indicate the amount of reversal and may be easily circumventable.

The requirement regarding odometer accuracy has been changed so that the speeds at which odometer accuracy requirements must be met are the same speeds for testing speedom-

eter accuracy. This change should simplify the odometer test procedures and reduce test costs since compliance with both accuracy requirements can be determined simultaneously.

In addition to the conditions set forth in the NPRM for testing speedometer and odometer accuracy, the final rule also specifies that the tests are to be conducted on a dry surface, that the temperature within the passenger compartment is to be between 65 and 80 degrees Fahrenheit, and that the vehicle is to be driven at least 5 miles immediately before starting the 100 mile test so that vehicle and tire temperatures are stabilized.

Additional comments. A number of commenters suggested that the speedometer accuracy requirement should be stated in terms of a limitation on the miles or kilometres per hour registered above the actual vehicle speed. The rationale for the suggestion is that if speedometers are permitted to register less than the actual speed, drivers could unknowingly speed and possibly get arrested. While the agency appreciates this concern, it does not believe that such a requirement is justified. Manufacturers are going to design their speedometers to operate as close to the middle of the specified tolerance range as possible to stay within the range. With the tolerance of plus or minus 4 miles per hour, manufacturers will attempt to focus on actual vehicle speed. If the agency were to shift the tolerance so that it was completely above the actual speed, manufacturers would still aim for the middle of that tolerance. For example, if the tolerance were 0 to 8 miles per hour above actual vehicle speed, manufacturers would aim for 4 mph above actual speed. The agency's adoption of such a tolerance would lead to inflated speed readings and might reduce the credibility of speedometers. That result would be the opposite of the one being sought.

A few commenters raised questions about the applicability of the rule's provisions to certain types of vehicles. Sangamo Weston Schlumberger recommended that either an odometer or a hubodometer be required on all classes of vehicles. As was stated in the NPRM, vehicles over 16,000 pounds GVWR are routinely driven hundreds of thousands of miles and their maintenance records, not their odometers, are relied on by buyers as the principal guide to their condition. Therefore, this recommendation was not adopted. The motorcycle industry stated that the average length of service for a motorcycle is 30,000 miles and thus a sixth digit or a system to indicate when the vehicle has exceeded 99,999 miles is not necessary. Accordingly, an exception for motorcycles is made in the final rule requirement for providing such a digit or system. The motorcycle industry also stated that motorcycles are not driven fast enough to require a limitation on speedometer readings. While it may be true that motorcycles are ordinarily not driven as fast as automobiles, the agency believes that such a limitation is still necessary to accommodate those motorcycle operators who are tempted to test the top speed of their cycles.

BMW of North America indicated that its odometers can reverse up to 10 miles during the backing of its automobiles. Consequently, that company requested that slight reversals be allowed. The agency has decided not to permit any reversal given the simplicity and lack of expense in designing an odometer that is irreversible and given the interest of preventing any circumvention of this anti-fraud provision.

One commenter asked whether the odometer installed by a manufacturer in one of its vehicles with a gross vehicle weight rating over 16,000 pounds must meet the requirements of this rule. The answer is no. The rule's odometer provisions do not apply to such vehicles or to odometers for use in those vehicles.

Summary of Requirements

1. *Speedometers:* The regulation requires all vehicles to be equipped with speedometers that register speed in both miles per hour and kilometres per hour. The graduations on the speedometer must be evenly spaced so that, for example, the distance between 10 and 25 mph is the same as the distance between 40 and 55 mph. The speedometers are not permitted to display any numbers or graduations or otherwise indicate speeds in excess of 85 mph and 140 km/h. The 85 mph/140 km/h scale is to cover the entire area swept by the moving speed indicator. The speedometer is required to be accurate to within 4 miles above or below the actual vehicle speed.

Manufacturers are required to include the number "55" in their mph scale. For all speedometers, other than digital speedometers, manufacturers are required to highlight the number "55" or otherwise highlight the point as which a vehicle is equaling the national 55 mph speed limit. Such steps would aid in inducing greater compliance with the speed limit and in achieving its potential for saving lives and energy.

2. *Odometers:* All vehicles under 16,000 pounds gross vehicle weight rating must be equipped with odometers that register distance traveled in either miles or kilometres, at the option of the manufacturer. Odometers are required to be accurate to within 4 percent above or below the actual distance traveled and must clearly indicate by a sixth wheel registering whole miles or kilometres or by a permanent method such as inking when the distance indicated has exceeded 99,999 miles or 99,999 kilometres. It is intended that the indication be sufficiently clear so that the expert can readily determine that the 99,999 mark has been passed. A slight misalignment of the odometer wheels would not be a clear indication. All odometers must be irreversible.

The September 1980 effective date for the odometer provisions and the September 1979 effective date for the remaining provisions should allow sufficient time for manufacturers to accomplish all of the changes required by this rule.

In consideration of the foregoing, subpart B of part 571 of title 49, Code of Federal Regulations, is amended by adding a new Motor Vehicle Safety Standard No. 127 to read as set forth below.

The lawyer and program official principally responsible for this rule are Kathleen DeMeter and Kevin Cavey, respectively.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on March 7, 1978.

JOAN CLAYBROOK,
Administrator.

New Standard No. 127 is added as follows:

§ 571.127 Standard No. 127; speedometers and odometers.

S1. *Scope.* This standard establishes requirements for the installation and accuracy of speedometers and odometers in motor vehicles, limits the speed which can be indicated on a speedometer, and requires that odometers be tamper-resistant.

S2. *Purpose.* The purpose of this standard is to insure that each motor vehicle is equipped with accurate and reliable instruments needed for monitoring driving speeds, maintaining proper vehicle maintenance schedules, and providing an indication of the vehicle's probable condition.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, motorcycles, and buses, and to speedometers and odometers for use in vehicles to which this standard applies. Motor driven cycles whose speed attainable in 1 mile is 30 mph or less are excluded.

S4. *Requirements.*

S4.1 *Speedometer.*

S4.1.1 Each motor vehicle shall have a speedometer that meets the requirements of S4.1.2-S4.1.5 of this section.

S4.1.2 Each speedometer shall be evenly graduated in miles per hour and kilometres per hour, and shall be labeled with mph and km/h.

S4.1.3 Each speedometer shall indicate a speed that is not more than 4 mph greater than or 4 mph less than the actual vehicle speed when tested under the conditions specified in S5 for a distance of 100 miles at speeds of 20 mph, 40 mph, and 55 mph in a vehicle to which this standard applies and for which the speedometer is designed. If the speed attainable in 1 mile under the test conditions specified in S5 is less than any of the test speeds specified in the preceding sentence, the speedometer shall be tested at the attainable speed instead of the greater specified test speeds.

S4.1.4 No speedometer shall have graduations or numerical values for speeds greater than 140 km/h and 85 mph and shall not otherwise indicate such speeds. This paragraph does not apply to a speedometer designed for use in or installed in a passenger car sold to a law enforcement agency for law enforcement purposes.

S4.1.5 Each speedometer shall include the numeral "55" in the mph scale. Each speedometer, other than a digital speedometer, shall highlight the number "55" or otherwise highlight the point at which the vehicle speed is equalling 55 mph.

S4.2 *Odometer.*

S4.2.1 Each motor vehicle with a gross vehicle weight rating of 16,000 pounds or less shall have an odometer that meets the requirements of S4.2.2–S4.2.5 of this section.

S4.2.2 Each odometer shall be capable of indicating distance traveled either, at the manufacturer's option (1) from 0 to not less than 99,999 miles in 1-mile units, or (2) from 0 to not less than 99,999 kilometres in 1-kilometre units, or (3) both. If option (2) or (3) is chosen, the instrument panel shall bear the label km/h to identify the odometer that measures distance in kilometres.

S4.2.3 As installed in the vehicle for which it is designed, each odometer, other than a motorcycle odometer, shall clearly indicate to the vehicle driver by a sixth wheel, registering whole miles or kilometres, or by a permanent means such as inking, when the number of whole miles or whole kilometres, as appropriate, has exceeded 99,999.

S4.2.4 Each odometer shall have a distance indicator which is movable in the forward direction only.

S4.2.5 Each odometer shall indicate a distance that is not more than 4 percent greater than or 4 percent less than the actual distance traveled when tested under the conditions specified in S5 for a distance of 100 miles at the speeds specified in S4.1.3 in a vehicle to which this standard applies and for which the odometer is designed.

S5. *Test conditions.* The following conditions shall apply to the tests of speedometer and odometer accuracy.

S5.1 The vehicle is at unloaded vehicle weight, plus 200 pounds (including driver and instrumentation) for motorcycles, and plus 300 pounds (including driver and instrumentation) for other vehicles. The additional weight is distributed in the front seat area.

S5.2 The vehicle is equipped with tires recommended by the vehicle manufacturer.

S5.3 Tire tread depth is not less than 90 percent of the original tread depth.

S5.4 Vehicle adjustments, including tire pressure, are made according to the vehicle manufacturer's recommendations.

S5.5 Tests are conducted on a dry surface.

S5.6 Tests are conducted at any internal, driver compartment temperature between 65 and 80 degrees Fahrenheit, inclusive.

S5.7 The vehicle is driven not less than 5 miles before a test begins.

[FR Doc. 78-6509 Filed 3-9-78; 9:44 am]

[4910-59]

[Docket No. 77-06; Notice 2]

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

Retention of Odometer Statements

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation is authorized by the Motor Vehicle Information and Cost Savings Act to specify requirements for retention of odometer statements by dealers and distributors of motor vehicles. This notice prescribes the manner in which this information should be retained. The intended effect of this regulation is to afford the government and aggrieved parties documentation necessary to prove a violation of the Act, and to pinpoint exactly where the violation occurred.

EFFECTIVE DATE: March 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Kathleen DeMeter, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1834.

SUPPLEMENTARY INFORMATION: The Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513, 86 Stat. 947-963, 15 U.S.C. 1901-1999) directed the Secretary of Transportation to issue regulations to require each transferor of a motor vehicle to give the transferee a written statement of the mileage shown on the vehicle's odometer and to advise the transferee if the mileage shown on the odometer was known to be different from the vehicle's actual mileage. A regulation was issued pursuant to section 408 of the Act to prescribe the manner of disclosure (49 CFR Part 580), but the Secretary chose not to exercise the authority given him under subsection 408(a) to specify the manner in which such information was to be retained.

The 1976 amendments to the Act (Pub. L. 94-364, 90 Stat. 981) conferred extensive investigative powers upon the Secretary. One effect of these new powers is to enhance the value of a record retention requirement as an investigatory tool. The disclosure statement plays an important role in the investigation of odometer tampering and fraud. In order to prove that an odometer has been rolled back or otherwise tampered with in violation of the Act, it must be possible to ascertain the amount of actual mileage the vehicle has been driven. An effective way of discovering this information is by examining previous odometer mileage statements required to be executed by all owners in the chain of title.

To enhance the ability of the statement to protect all future transferees a notice of proposed rulemaking (NPRM) was issued on November 1, 1977, which would not only require the dealers and distributors to retain for four years the statements issued to them but would also require them to retain for four years a copy of each statement which they issued. Such retentions would afford the government and aggrieved parties the necessary documentation to prove a violation of the Act, and also to pinpoint exactly where that violation occurred. All of the comments submitted in response to the NPRM have been considered and the most significant ones are discussed below.

The final rule is almost identical to the NPRM. The NPRM proposed that odometer mileage statements be retained in chronological order. The final rule permits mileage statements to be retained in an order appropriate to the business requirements of each dealer and distributor. A majority of commenters objected to the chronological order provision. A number of other methods of filing were suggest-

ed, such as by vehicle identification number and alphabetical order by the customer's last name. Due to the wide variety of methods of filing presently used, the NHTSA believes that a single mandated method of filing would result in unnecessary cost and duplication. Therefore, the new section permits dealers and distributors to retain odometer mileage statements in a manner consistent with their existing recordkeeping procedures. The section requires that however the recordkeeping system is organized, it must permit a systematic retrieval of odometer statements.

One commenter suggested that a longer leadtime was necessary to accommodate changes in filing procedures. However, since recordkeeping requirements need not be changed, there should be no lead time problems.

Several commenters objected to the scope of the rule. There appeared to be some confusion among the commenters as to whether the rule applied to insurance companies, manufacturers and financial institutions. The final rule applies to all dealers and distributors of motor vehicles. A "dealer" is defined in section 402 of the Act as "any person who has sold 5 or more motor vehicles in the past 12 months to purchasers who in good faith purchase such vehicles for purposes other than resale." A "distributor" is defined in the same section as "any person who has sold 5 or more vehicles in the past 12 months for resale." Given these definitions, a manufacturer would be a "distributor." However, § 580.5 of Title 49, Code of Federal Regulations specifically exempts manufacturers who sell vehicles to dealers from the requirements of executing disclosure statements. Section 583.7 of this final rule has been reworded to make it clear that only those "dealers" and "distributors" who are required to execute disclosure statements must retain them. Financial institutions and insurance companies do not fall within any of the exemptions set forth in § 580.5, so they must execute and retain the statements unless the transfers involve vehicles that are so badly damaged that they cannot be returned to the road. In such transfers, the agency has ruled that the damaged vehicles are no longer "motor vehicles" for purposes of the disclosure regulations.

In light of the foregoing, Part 580, Odometer Disclosure Requirements, of Title 49, Code of Federal Regulations, is amended as set forth below.

The lawyer principally responsible for this rule is Kathleen DeMeter.

The rule does not require any persons to create additional records or to alter their business practices apart from keeping records they might once have discarded. In view of the expected benefits to the Department's enforcement program, it is found for good cause that the rule may be issued with an immediate effective date.

(Secs. 408, 414, Pub. L. 92-513, 86 Stat. 947, as amended Pub. L. 94-364, 90 Stat. 981 (15 U.S.C. 1988, 1990(d)); delegation of authority at 49 CFR 1.50(f).).

Issued on March 7, 1978.

JOAN CLAYBROOK,
Administrator, National Highway Traffic Administration.

1. Section 580.1, Scope, is amended as follows:

§ 580.1 Scope.

This part prescribes rules requiring the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy, and requiring the retention of odometer mileage statements by motor vehicle dealers and distributors, as directed by section 408(a) and 414(b) of the Motor Vehicle Information and Cost Savings Act, Pub. L. 92-513, as amended by Pub. L. 94-364.

2. Section 580.2, Purpose, is amended as follows:

§ 580.2. Purpose.

The purpose of this part is to provide each purchaser of a motor vehicle with odometer information to assist him in determining the vehicle's condition and value, and to preserve records that are needed for the proper investigation, and adjudication or other disposition, of possible violations of the Motor Vehicle Information and Cost Savings Act.

3. A new § 580.7, is added as follows:

§ 580.7 Odometer mileage statement retention.

Each dealer or distributor of a motor vehicle who is required by this Part to execute an odometer disclosure statement shall retain for four years each odometer mileage statement which he receives. He shall also retain for four years a photostat, carbon, or other facsimile copy of each odometer mileage statement which he issues. He shall retain each odometer mileage statement at his primary place of business in an order that is appropriate to this business requirements and that permits systematic retrieval. The statement may be reproduced (e.g., photocopies or put on microfilm) as long as no information or identifiying marks such as signatures are lost in the reproduction.

[FR Doc. 78-6508 Filed 3-9-78; 9:44 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Revised Service Order No. 1299, Amdt. No. 1]

PART 1033—CAR SERVICE

Consolidated Rail Corp. Ordered To Deliver Empty Boxcars to Boston and Maine Corp., Robert W. Meserve and Benjamin Lacy, Trustees (BM); BM Ordered To Deliver Empty Boxcars to Maine Central Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Second Revised Service Order No. 1299).

SUMMARY: Because of severe shortages of 50-ft. plain boxcars for loading by shippers served by the Maine Central Railroad, the consolidated Rail Corp. is ordered to deliver 100 fifty-ft. plain boxcars per week to the Boston and Maine Corp. and the Boston and Maine Corp. is ordered to deliver 100 fifty-ft. plain boxcars per week to the Maine Central Railroad. The cars to be delivered are to be suitable for transporting newsprint paper.

DATES: Effective 11:59 p.m., March 12, 1978. Expires 11:59 p.m., March 26, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution, Interstate Commerce Commission, Washington, D.C. 20423, telephone: 202-275-7840.

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of March, 1978.

Upon further consideration of Second Revised Service Order No. 1299 (43 FR 8528), and good cause appearing therefor:

It is ordered, That:

§ 1033.1299 Consolidated Rail Corp. ordered to deliver empty boxcars to Boston and Maine Corp., Robert W. Meserve and Benjamin Lacy, Trustees (BM); BM ordered to deliver empty boxcars to Maine Central Railroad Co.

Second Revised Service Order No. 1299 be, and, it is hereby, amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This direction shall expire at 11:59 p.m., March 26, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 12, 1978.

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

It is further ordered, That a copy of this direction 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 that notice of this direction 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 it 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.

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

[FR Doc. 78-7053 Filed 3-15-78; 8:45 am]

[7035-01]

[No. 36572]

PART 1080—CONTRACTS FORWARDER-MOTOR COMMON CARRIERS

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: Rule modified to allow compensation for services in connection with contracts between freight forwarders and motor common carriers pursuant to section 409 of the Interstate Commerce Act to be stated as a specific percentage of the applicable motor carrier or freight forwarder charges, provided that specific reference is made to the tariffs containing such charges by MF ICC or ICC FF number or ICC Alpha Code designation, as an alternative to the existing rule that compensation be specified in lawful money of the United States per unit of weight or other specifically defined units. "The scope of the proceeding was broadened beyond the Notice of Proposed Rulemaking (see 42 FR 47,853 and 42 FR 53,648) to allow the same option for contracts of freight forwarders other than freight forwarders of household goods." The Commission found the modification warranted on a permissive and not mandatory basis, to simplify the formulation, application and administration of Section 409 contracts, to the benefit of regulated freight forwarders and motor carriers in furtherance of the public interest and the National Transportation Policy.

DATES: Effective Date: May 15, 1978.

COMMENTS DUE: On or before April 14, 1978 from persons not parties to this rulemaking proceeding, upon showing they may be affected by the broadening of the scope of this proceeding from freight forwarders of household goods to all freight forwarders.

ADDRESSEE: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

Accordingly, Part 1080 is amended by revising paragraph (c) of § 1080.2 of the Code of Federal Regulations as follows:

§ 1080.2 Specifications.

* * * * *

(c) A description of the transportation service to be performed by the motor carrier, and all other services in connection therewith; the points between which, or the geographical area to or from which, the service is to be performed; the compensation to be paid therefor; specified in lawful money of the United States per unit of weight or in other specifically defined units; or as a specific percentage of the applicable motor carrier or freight forwarder charges provided that specific reference be made to the tariffs containing such charges by MF ICC or ICC FF number of its ICC Alpha Code designation; and where transportation is for a total distance of 450 highway miles or more, whether it is line-haul transportation in truckload lots between concentration points and break-bulk points.

* * * * *

This rule is promulgated pursuant to authority under 49 U.S.C. 1009 and 5 U.S.C. § 553 and 559, and was adopted formally at a General Session of the Interstate Commerce Commission on February 28, 1978.

By the Commission.

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

[FR Doc. 78-7065 Filed 3-15-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

Opening of Certain National Wildlife Refuges to Public Access, Use and Recreation: New York, New Jersey and Pennsylvania

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to public access, use and recreation of certain national wildlife refuges in New York, New Jersey and Pennsylvania is compatible with the objectives for which the areas were established and will provide additional recreational opportunity to the public through a nonconsumptive use. This document establishes special regulations governing this use.

DATES: January 1, 1978 through December 31, 1980.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of special regulations.

FOR FURTHER INFORMATION CONTACT:

Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158, 617-965-5100, extension 200.

SUPPLEMENTARY INFORMATION: Public access, use and recreation is permitted on the national wildlife refuges indicated below in accordance with 50 CFR Part 26 and the following special regulations. Portions of refuges which are open to public access, use and recreation are designated by signs and/or shown on maps available from addresses indicated below. No vehicle travel is permitted except on designated roads and trails. Special regulations applying to individual refuges are listed on leaflets available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158. Public entry shall be in accordance with all applicable Federal and State laws and regulations subject to the following special regulations:

§ 26.34 Special regulations concerning public access, use and recreation; for individual national wildlife refuges.

Public access, use and recreation is permitted on the following refuges:

Iroquois National Wildlife Refuge, RFD 1, Basom, N.Y. 14013. Contact Edwin H. Chandler, Refuge Manager at 716-948-9154. Special Conditions: Entry by foot or motor vehicle is permitted during daylight hours on designated travel routes for the purposes of nature study, photography, hiking and sight-seeing. Pets are permitted only if they are confined or kept on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Montezuma National Wildlife Refuge, RD 1, Box 1411, Seneca Falls, N.Y. 13148. Contact Gene Hocutt, Refuge Manager at 315-568-5987. Special Conditions: Entry by foot or motor vehicle is permitted during daylight hours on designated travel routes for the purposes of nature study, photography, hiking and sight-seeing. Pets are permitted only if they are confined or kept on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Target Rock National Wildlife Refuge, Target Rock Road, RFD No. 3, Huntington, Long Island, N.Y. 11743. Contact Roger Steelman, Refuge Manager at 516-271-2409. Special Conditions: Entry to the refuge is permitted by advance telephone or mail reservation only, for the purpose of photography, nature study, and hiking on roads, trails and the beach, from 9 a.m. to 5 p.m. daily. Entrance permits are issued for specific dates only. Weekday visitors may obtain a permit the same day of their visit. For weekend visitation, visitors must contact the refuge office Monday through Friday from 8 a.m. to 4:30 p.m. Motor vehicles are permitted in designated parking areas only.

Amagansett National Wildlife Refuge, Target Rock Road, RFD No. 3, Huntington, Long Island, N.Y. 11743. Contact Roger Steelman, Refuge Manager at 516-271-2409. Special Conditions: Entry by foot along the refuge beachfront is permitted during daylight hours for the purpose of nature study, photography, and shell collecting. Interior access beyond the beachfront for the purpose of environmental education studies is permitted by special use permit on a reservation basis. Motor vehicle parking is limited to designated town of East Hampton parking areas.

Morton National Wildlife Refuge, RD Box 359, Noyac Road, Sag Harbor, N.Y. 11963. Contact Roger Steelman, Refuge Manager at 516-271-2409. Special Conditions: Entry by foot is permitted daily from 9 a.m. to 5 p.m. for the purpose of photography, nature study, and hiking.

Brigantine National Wildlife Refuge, Great Creek Road, P.O. Box 72, Oceanville, N.J. 08231. Contact Gaylord Inman, Refuge Manager, at 609-652-1665. Special Conditions: Entry by foot, bicycle, and vehicle is permitted on designated travel routes during daylight hours, for the purposes of nature study, wildlife observation, photography and hiking. The refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Pets are permitted only if they are confined or kept on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal. Motorcycles or mopeds with motor in operation are not permitted on the refuge. The use of mopeds or motorized bicycles shall be governed as follows: as a bicycle when motor is not in operation; as a motorcycle when motor is in operation.

Barnegat National Wildlife Refuge, P.O. Box 72, Oceanville, N.J. 08231. Contact Gaylord Inman, Refuge Manager, at 609-652-1665. Special Conditions: Entry by foot and vehicle is permitted on designated travel routes during daylight hours for the purposes of nature study, wildlife observation, photography and hiking. Pets are permitted only if they are confined or kept on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Great Swamp National Wildlife Refuge, Pleasant Plains Road, RD 1, Box 148, Basking Ridge, N.J. 07920. Contact John L. Fillio, Refuge Manager, at 201-647-1222. Special Conditions: The refuge is composed of two distinct units: The Management Area and The Great Swamp Wilderness Area. The Management Area, with the exception of Pleasant Plains Road and the Wildlife Observation Center is closed to unauthorized public entry. Pleasant Plains Road is open daily to through motor vehicle, bicycle, equestrian and pedestrian traffic from 8 a.m. to dusk. The Wildlife Observation Center is open daily to foot travel from dawn to dusk. No other means of transportation is permitted beyond the designated parking area and access road. The Great Swamp Wilderness Area is open daily to foot travel from dawn to dusk. All other means of travel are prohibited. Possession or use of alcoholic beverages is not permitted. Fishing or the possession of fishing equipment is prohibited. Smoking is permitted only in designated parking areas. Pets are permitted only in designated parking areas if they are confined or kept on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Erie National Wildlife Refuge, RD 2, Box 191, Guys Mills, Pa. 16327. Contact William McCoy, Refuge Manager, at 814-789-3585. Special Conditions: Entry on foot or by motor vehicle is permitted on designated routes of travel from sunrise to sunset for the purposes of nature study, photography, wildlife observation and hiking. Pets are permitted only if they are confined or kept on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal. The use of the picnic area is permitted by reservation only from May 15 through October 15. The use of artificial lights is permitted for the purpose of viewing whitetailed deer from public roads in accordance with State law.

Tinicum National Environmental Center, Suite 104, Scott Plaza 2, Philadelphia, Pa. 19113. Contact Richard Nugent, Refuge Manager, at 215-521-0662. Special Conditions: Public entry into the Center is permitted from the 86th Street and Lindbergh Boulevard gate for the purposes of bicycling, hiking, nature study, sightseeing and photography, from dawn to dusk. Registered motor vehicles are permitted only on the Center entrance road and parking lot at the Visitor Contact Station. Trail bikes, dirt bikes, three wheel bikes, snowmobiles, all-terrain vehicles and all other unregistered motorized recreational vehicles are prohibited from entering any lands owned or controlled by the Center. Visitors are prohibited from entering any impoundment or water areas by foot or by boat unless involved in an organized environmental education group which has obtained a permit from the Center Manager. Pets are permitted if on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal. Possession or use of alcoholic beverages is not permitted.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26. 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.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

MARCH 7, 1978.

[FR Doc. 78-6825 Filed 3-15-78; 8:45 am]

[4310-55]

PART 26—PUBLIC ENTRY AND USE

Opening of Certain National Wildlife Refuges to Public Access, Use and Recreation: Delaware, Maryland, North Carolina, and Virginia

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to public access, use and recreation of certain national wildlife refuges in Delaware, Maryland, North Carolina, and Virginia is compatible with the objectives for which the areas were established and will provide additional recreational opportunity to the public through a nonconsumptive use. This document establishes special regulations governing this use.

DATES: January 1, 1978 through December 31, 1980.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

FOR FURTHER INFORMATION CONTACT:

Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158, 617-965-5100 Ext. 200.

SUPPLEMENTARY INFORMATION: Public access, use and recreation is permitted on the national wildlife refuges indicated below in accordance with 50 CFR Part 26 and the following Special Regulations. Portions of refuges which are open to public access, use and recreation are designated by signs and/or shown on maps available from addresses indicated below. No vehicle travel is permitted except on designated roads and trails. Special regulations applying to individual refuges are listed on leaflets available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158. Public entry shall be in accordance with all applicable Federal and State laws and regulations subject to the following special regulations:

§ 26.34 Special regulations; public access use and recreation; for individual wildlife refuge areas.

Public access, use and recreation is permitted on the following areas: Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, Va. 23336. Contact J. C. Appel, Refuge Manager at 804-336-6122. Special Conditions: Entry into the refuge is permitted between the hours of 4 a.m. to 10 p.m. daily for the purposes of sightseeing, nature study, wildlife observation, photography, hiking, beachcombing, sunbathing and fishing, including clamming and crabbing, as posted. Swimming and surfing are permitted as posted on the ocean beach. Lifeguards are provided only on a protected beach operated by the National Park Service. Glass bottles, containers or other glass objects are not permitted within the protected beach areas. Flotation devices are permitted in designated water areas around Tom's Cove Hook. The use or possession of metal detectors is not permitted on the refuge. Entry into the refuge by boat is permitted at the designated public use areas at Tom's Cove Hook and the public use area operated by the Town of Chincoteague at Assateague Point. Picnicking and contained fires are permitted at Tom's Cove Hook in designated areas. Open fires by special permit only. All fires must be extinguished by water. Operation of registered motor vehicles and bicycles is permitted on designated access roads, trails, and parking areas. Motorcycles or mopeds with motor in operation are not permitted on the Wildlife Drive or on other trails designated for foot or bicycle use. The use of Mopeds or motorized bicycles shall be governed as follows: as a bicycle when motor is not in operation; as a motorcycle when motor is in operation; the methods of operation, equipment, license and registration requirements shall be the same as those set by the State of Virginia. Riding of horses and other saddle animals is permitted only along the shoulder of the access road to the Coast Guard crossover and thence only within designated areas along the beach. Pets are not permitted on the refuge. Off-road travel by oversand vehicles is permitted only on designated routes within the public use areas at Tom's Cove Hook on the beach seaward of the primary dune line. Driving so as to cut circles or otherwise needlessly deface the sand dunes or vegetation is prohibited. Speed may not exceed 25 miles per hour. When approaching or passing within 100 feet of a pedestrian or person on horseback, speed must be reduced to 15 miles per hour. Pedestrians and horseback riders always have the right-of-way. Oversand vehicles may not be used to tow persons on any recreational device over sand, or in the water or air. An annual permit at a fee of $5 is required for oversand vehicle use. Such permits are not transferable, shall be displayed as directed by the refuge manager, and shall be valid from April 15, 1978 to April 14, 1979. All oversand vehicles must conform to applicable State laws having to do with licensing, registering, inspecting and insuring of such vehicles. Motorcycles and mopeds must remain on designated access roads and are not permitted in oversand vehicle areas. All oversand vehicles must carry at all times on the beach: shovel, jack, tow rope or chain, board or similar support for the jack and low pressure tire gauge. No permit will be issued for a vehicle which does not meet the following standards:

On 4-wheel-drive vehicles

Maximum vehicle length	26 ft.
Maximum vehicle width	8 ft.

On 4-wheel-drive vehicles—Continued

Minimum ground clearance	7 in.
Gross vehicle weight	10,000 lb.
Maximum number of axles	2.
Maximum number of wheels per axle	2.
Minimum number of wheels	4.

On two-wheel drive vehicles in addition to the seven items listed above: Minimum width of tire contact on the sand—8 in. each wheel. Tires with regular mud/snow treads are not acceptable. The refuge manager may issue a single trip permit for a vehicle of greater weight or length when such use is not inconsistent with the purposes of the regulations. Twelve oversand vehicles are permitted per mile of beach. The refuge manager may temporarily close or limit access to the beach when this level is reached. Oversand vehicle permits issued by the National Park Service for operation on the Assateague Island National Seashore will also be honored for operation on the designated oversand vehicle routes within the public use areas at Tom's Cove Hook. Special daily use fees at Tom's Cove Hook are as follows:

Specialized recreational site use	$1.00
Youth group camping per site	3.00

Fishermen who hold special overnight beach-fishing permits issued jointly by the Superintendent, Assateague Island National Seashore, and the Refuge Manager, Chincoteague National Wildlife Refuge, may remain on the refuge between the hours of 10 p.m. and 4 a.m. on the dates for which such permit is issued. At least one member of the fishing party must be actively engaged in fishing at all times while on the refuge, under the terms of this permit. Organized youth-group and backpack camping is permitted by advance reservation only in National Park Service operated campsites located on the refuge. Permits may be obtained from the Superintendent, Assateague Island National Seashore. A special use agreement is required for the use of backpack site No. 3.

Mason Neck National Wildlife Refuge, 9502 Richmond Highway, Suite A, Lorton, Va. 22079. Contact Stephen M. Wunderley, Acting Refuge Manager, at 703-339-5278. Special Conditions: Entry into the refuge is permitted during daylight hours for the purposes of nature study, photography and sightseeing. Woodmarsh Trail is open for foot travel only from April 1 through November 30. Advance appointments for environmental education trips must be made with the refuge manager. Pets are permitted only if they are confined or kept on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Great Dismal Swamp National Wildlife Refuge, 680 B Carolina Road, Suffolk, Va. 23434. Contact Ralph Keel, Refuge Manager at 804-539-7479. Spe-

cial Conditions: Entry to the refuge is permitted from sunrise to sunset for the purpose of nature study, photography, hiking, and sightseeing subject to the following restrictions. Travel by bicycle, foot, or canoe is permitted on established roads and ditches within the refuge. Boat access is permitted by way of navigable waters connecting Lake Drummond with the intracoastal waterway known as the Dismal Swamp Canal. Access by registered motor vehicle within the refuge is by special use permit. Pets are permitted only if they are on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Presquile National Wildlife Refuge, Box 620, Hopewell, Va. 23860. Contact Harold Olson, Refuge Manager at 804-458-7541. Special Conditions: entry by foot is permitted for the purposes of wildlife trail use, nature study, wildlife observation, and photography. Access is gained by Government-owned and operated ferry only. Visitation is limited to organized groups such as school, civic, and church groups between the hours of 7:30 a.m. and 4 p.m. Monday through Friday, except holidays.

Bombay Hook National Wildlife Refuge, R.D. 1, Box 147, Smyrna, Del. 19977. Contact Don Perkuchin, Refuge Manager at 302-653-9345. Prime Hook National Wildlife Refuge, R.D. 1, Box, 195, Milton, Del. 19968. Contact George O'Shea, Assistant Refuge Manager at 302-684-8419. Special Conditions for Bombay Hook and Prime Hook: Entry by motor vehicle, bicycle or on foot is permitted from sunrise to sunset on designated routes for the purpose of nature study, photography, hiking, and sightseeing. Pets are permitted if on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Blackwater National Wildlife Refuge, Route 1, Box 121, Cambridge, Md. 21613. Contact Bill Julian at 301-228-2692. Special Conditions: Entry by foot or motor vehicle is permitted during daylight hours on designated routes for the purposes of nature study, photography, hiking and sightseeing. Bicycles are permitted on a designated portion of the auto drive. Visitors must remain in their vehicles while on the auto drive. Motorcycles or mopeds with motor in operation are not permitted on the auto drive or on other trails designated for foot or bicycle use. The use of mopeds or motorized bicycles shall be governed as follows: as a bicycle when motor is not in operation; as a motorcycle when motor is in operation. Pets are permitted in designated parking areas only if they are on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Mackay Island National Wildlife Refuge, Pembroke No. 2 Building, South 218, 287 Pembroke Office Park, Virginia Beach, Va. 23462. Contact Glen Bond, Refuge Manager at 804-490-0505. Special Conditions: Entry to the observation tower from the Knotts Island Causeway is permitted year round during daylight hours. Entry to other portions of the refuge on designated travel routes is permitted during daylight hours from March 15 through October 15 for the purposes of nature study, photography, hiking, horseback riding, and bicycling. The landing of boats from navigable waters on designated portions of the refuge is permitted only from March 15 through October 15. Boats may be launched from the Knotts Island Causeway throughout the year at Coreys Ditch Bridge. Boat launching at other points on the Causeway is permitted only from March 15 through October 15. Airboats are not permitted. Pets are permitted only if they are on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in title 50, Code of Federal Regulations, part 26. 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 Excutive Order 11949 and OMB Circular A-107.

WILLIAM C. ASHE,
Acting Regional Director, U.S. Fish and Wildlife Service.

MARCH 7, 1978.

[FR Doc. 78-6826 Filed 3-15-78; 8:45 am]

[4310-55]

PART 26—PUBLIC ENTRY AND USE

Opening of Certain National Wildlife Refuges to Public Access, Use, and Recreation: Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to public access, use and recreation of certain national wildlife refuges in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont is compatible with the objectives for which the areas were established and will provide additional recreational opportunity to the public through a non-consumptive use. This document establishes special regulations governing this use.

DATES: January 1, 1978, through December 31, 1980.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of special regulations.

FOR FURTHER INFORMATION CONTACT:

Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158, 617-965-5100, extension 200.

SUPPLEMENTARY INFORMATION: Public access, use, and recreation is permitted on the national wildlife refuges indicated below in accordance with 50 CFR 26 and the following special regulations. Portions of refuges which are open to public access, use, and recreation are designated by signs and/or shown on maps available from addresses indicated below. No vehicle travel is permitted except on designated roads and trails. Special regulations applying to individual refuges are listed on leaflets available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158.

Public entry shall be in accordance with all applicable Federal and State laws and regulations subject to the following special regulations:

§ 26.34 Special regulations concerning public access, use, and recreation; for individual national wildlife refuges.

Public access, use and recreation is permitted on the following refuges: Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Mass. 01950. Contact George Gavutis, Refuge Manager, at 617-465-5753. Special conditions: Entry into those portions of the refuge not posted as closed is permitted for certain uses. The entrance gate at the south end of Sunset Boulevard is the only legal point of access on the island portion of the refuge. Visitor hours are generally dawn to dusk, but, at times of high public use, the entrance gate may be closed and access denied by refuge officials to protect the wildlife habitat from overuse. Sightseeing, nature study, photography, hiking, snowshoeing, and cross-country skiing are permitted. Vehicle parking is permitted only in designated lots. Parking may be restricted to certain purposes and conditions designated by special signs. Boating is permitted on navigable tidal waters which lie within the refuge. Public boat launching and landing is not permitted on the refuge except during the waterfowl hunting season (see Part

32.12—Hunting). The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. A limit of 3 quarts each of plums and cranberries per person per year may be picked from September 5 through October 31. Cranberry rakes or scoops are not permitted. Access to clam flats for clamming is permitted across refuge marshes on designated trails. Permits are required and may be obtained at the refuge. Small cooking fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge. Alcoholic beverages, camping, tents, camping trailers, floating devices (including surfboards), and nudity are not permitted on the refuge. Nudity is defined as failure by persons over 10 years of age to cover with fully opaque covering their own genitals, pubic areas, rectal areas, or female breasts below a point immediately above the top of the areola when a public place. Pets on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal are permitted on the refuge from October 1 through March 31st. Dogs may be used for hunting in accordance with refuge hunting regulations (see Part 32.12—Hunting). Pets are not allowed on the refuge at any other time or under any other condition except under special use permit. Group activities may be confined to the northern one-quarter mile of ocean beach east of Lot 1. Advance reservations and permits are required, and there must be at least one adult supervisor for every 10 children. Identification must be displayed upon request of any authorized officer. Refusing to display identification or providing false information to any authorized officer of the United States or any local or State government is prohibited. The possession of any device (clubs, knives, metal knuckles, etc.) prohibit by State law and/or deemed a dangerous weapon by refuge officials is prohibited. Bicycles and registered motor vehicles are permitted only on the main refuge road and in numbered parking areas except when being used under the terms of a special permit for over-the-sand surf fishing vehicles (see Part 33—Sport Fishing). Snowmobiles, air-cushion, all-terrain, hang-gliders, or other similar vehicles or devices deemed improper by refuge agents are nor permitted on the refuge.

Rachel Carson National Wildlife Refuge, Wells, Maine, administered by Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Mass. 01950. Contact George Gavutis, Refuge Manager, at 617-465-5753. Special conditions: Entry by foot into those portions of the refuge not posted as closed is permitted for certain uses specified herein. Visitor hours are dawn to dusk. Sightseeing, nature study, wildlife observation, photography, hiking, snowshoeing, and cross-country skiing are permitted. Group activities may be confined to areas designated by the refuge manager. Advance reservations and permits are required for group activities, and there must be at least one adult supervisor for every 10 children. Vehicles are permitted only in designated parking areas. Parking may be restricted to certain purposes and conditions designated by special signs. Public boat launching and landing are not permitted on the refuge except by special permit. Clamming will be permitted subject to State and local regulation. Access to clam flats across refuge marshes will be by special use permit only. Alcoholic beverages, nudism, camping, tents, camping trailers, and fires are not permitted on the refuge. Pets are permitted if on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal. The possession of any device prohibited by State law and/or deemed a dangerous weapon by refuge officials is prohibited. Snowmobiles, trail bikes, all-terrain, or other similar unregistered vehicles or devices deemed improper by refuge agents are not permitted on the refuge. Identification must be displayed upon request of any authorized officer. Refusing to display identification or providing false information to any authorized officer of the United States or any local or State government is prohibited.

Pond Island National Wildlife Refuge, located near Popham Beach, Maine, is under administration of Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Mass. 01950. Contact George Gavutis, Refuge Manager, at 617-465-5753. Special conditions: Boat access and entry by foot is permitted from August 1 through February 28 during daylight hours for the purposes of environmental education, nature study, and photography. Open fires and camping are prohibited. Pets are permitted if on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Wapack National Wildlife Refuge, located between Peterborough, Greenfield, and West Hilton, N.H., is under administration of Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Mass. 01950. Contact George Gavutis, Refuge Manager, at 617-465-5753. Special conditions: Entry by foot is permitted during daylight hours for hiking, nature and geology study, photography, and blueberry picking. No motor vehicle of any kind is permitted on the refuge. Open fires and camping are prohibited. Pets are permitted if on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Mass. 01742. Contact David Beall, Refuge Manager, at 617-369-5518. Special conditions: Entry to the parking areas on foot, bicycle, or by registered motor vehicle is permitted during daylight hours. Foot and bicycle travel is permitted on designated routes. Nature study, photography, hiking, ice skating, snowshoeing, and cross-country skiing are permitted. Pets are permitted if on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Oxbow National Wildlife Refuge, Harvard, Mass., under the administration of Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Mass. 01742. Contact David Beall, Refuge Manager, at 617-369-5518. Special conditions: Entry by foot, bicycle, or motor vehicle is permitted along the tank road for the purposes of nature study, photography, hiking, snowshoeing, and cross-country skiing. Parking for vehicles is available at designated areas. Pets are permitted if kept on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Monomoy National Wildlife Refuge, Chatham, Mass., under the administration of Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Mass. 01742. Contact David Beall, Refuge Manager, at 617-369-5518. Special conditions: Foot entry to the Monomoy Wilderness Area is permitted for photography, nature study, and hiking during daylight hours and fishing 24 hours per day. Shellfishing is permitted in accordance with Town of Chatham regulations. Pets are permitted if kept on a leash not over 10 feet in length, one end of which is secured so as to restrict the movements of the animal. Fires are permitted on the ocean beach. Boats may be beached on the refuge. Erection of tents and other structures is not permitted. Entry to the Morris Island portion of Monomoy Refuge is permitted during daylight hours by advance reservation for photography, nature study, and hiking. Only a limited number of motor vehicles can be accommodated on the refuge at the designated parking area adjacent to the refuge headquarters. Entrance permits for specific dates are issued by mail or by telephone during the period June 1 through September 10, of each year at the Monomoy National Wildlife Refuge office, Wiki Way, Morris Island, Chatham, Mass. 02633, telephone 617-945-0594; or during the period January 1 through May 31, and September 11 through December 31, of each year from the Refuge Man-

ager, Great Meadows National Wildlife Refuge.

Missisquoi National Wildlife Refuge, Swanton, Vt. 05488. Contact Janita Blaskowski, Refuge Clerk, at 802-868-4781. Special conditions: Entry by motor vehicle or on foot is permitted on designated travel routes for the purposes of nature study, photography, hiking, and sightseeing during daylight hours. Pets are permitted if they are kept on a leash not over 10 feet in length, the end of which is secured so as to restrict the movements of the animal. Launching of boats and parking of boat trailers is permitted in designated areas.

Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619. Contact Douglas Mullen, Refuge Manager, at 207-454-3521. Special conditions: Entry on foot or by motor vehicle on designated travel routes is permitted for the purpose of nature study, photography, hiking, and sightseeing during daylight hours. Pets are permitted if kept on a leash not over 10 feet in length, the end of which is secured so as to restrict the movements of the animal. The use of snowmobiles is permitted on the Baring and Edmunds Units subject to the following special conditions: (1) Use is restricted to the periods December 1 through April 15; (2) use shall be in accordance with all applicable State laws and regulations governing snowmobiles; (3) use is permitted 24 hours a day and is limited to designated roads.

Petit Manan National Wildlife Refuge, Steuben, Maine, under administration of Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619. Contact Douglas Mullen, Refuge Manager, at 207-454-3521. Special conditions: Entry by motor vehicle and on foot is permitted for the purpose of nature study, photography, hiking, and sightseeing during daylight hours between April 15 and November 15. Entry by motor vehicle is restricted to Petit Manan Point Road and the designated parking area only. Foot travel only is permitted beyond the parking area on designated trails. Clamming is permitted in accordance with State and town regulations; access to clamming areas is by water routes only. Pets are permitted if kept on a leash not over 10 feet in length, the end of which is secured so as to restrict the movements of the animal. The picking of blueberries for off-site use is prohibited. No entry to or use of the island portion of the refuge is permitted.

Carleton Pond Waterfowl Production Area, Detroit, Maine, under administration of Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619. Contact Douglas Mullen, Refuge Manager, at 207-454-3521. Special conditions: Entry by foot is permitted for the purposes of sightseeing, nature observation, photography, and hiking during daylight hours. Hunting of migratory game birds, upland game, and big game is permitted subject to the provisions of State law and regulations. Dogs may be used for waterfowl and upland game hunting. Pets are permitted if kept on a leash not over 10 feet in length, the end of which is secured so as to restrict the movements of the animal.

Ninigret National Wildlife Refuge, Box 307, Charlestown, R.I. 02813. Contact Donald Tiller at 401-364-3106. Trustom Pond National Wildlife Refuge, Green Hill, R.I., under administration of Ninigret National Wildlife Refuge. Sachuest Point National Wildlife Refuge, Middletown, R.I., under administration of Ninigret National Wildlife Refuge. Special conditions for Ninigret, Trustom Pond, and Sachuest Point National Wildlife Refuges: Entry on foot is permitted from sunrise to sunset on designated routes of travel for the purposes of nature study, photography, and sightseeing. Pets are permitted if they are kept on a leash not over 10 feet in length, the end of which is secured so as to restrict the movements of the animal. The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Access along designated routes for surf fishing and shellfishing is permitted. Surf and shellfishing shall be in accordance with all state and local regulations. Fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge. Camping, tents, floating devices, and nudity are not permitted on the refuge. Nudity is defined as intentional failure by persons over 10 years of age to cover with fully opaque covering their own genitals, pubic areas, rectal area, or female breasts below a point above the top of the areola when in a public place. Over-the-sand vehicles, snowmobiles, air cushion, all terrain, or other similar vehicles are not permitted on the refuge except for emergency and law enforcement purposes.

Block Island National Wildlife Refuge, New Shoreham, R.I., under administration of Ninigret National Wildlife Refuge, Box 307, Charlestown, R.I. 02813. Contact Donald Tiller, Refuge Manager, at 401-364-3106. Special conditions: Entry by foot or motor vehicle on designated roads and trails is permitted during daylight hours for the purposes of nature study, photography, hiking, shell collecting, shellfishing, and surf fishing. Surf and shellfishing shall be in accordance with all State and local regulations. Pets are permitted if kept on a leash not over 10 feet in length, the end of which is secured so as to restrict the movements of the animal.

Nantucket National Wildlife Refuge, Nantucket, Mass., under administration of Ninigret National Wildlife Refuge, Box 307, Charlestown, R.I. 02813. Contact Donald Tiller, Refuge Manager, at 401-364-3106. Special conditions: Entry by foot, motor vehicle, or boat is permitted during daylight hours for nature study, photography, hiking, shell collecting, shellfishing, and surf fishing. Surf and shellfishing shall be in accordance with all State and local regulations. Registered over-the-sand vehicles are permitted on designated sand trails and on the open ocean beach. Vehicle permits will be required and may be obtained from the Trustees of Reservations, Coskata-Coatue Wildlife Refuge Manager, Harbor Square, P.O. Box 13, Nantucket, Mass. 02554. All over-the-sand vehicle permit requirements and regulations promulgated by the Trustees of Reservations for the Coskata-Coatue Wildlife Refuge will apply to vehicles operating on Nantucket National Wildlife Refuge.

Salt Meadow National Wildlife Refuge, Westbrook, Conn., under administration of Ninigret National Wildlife Refuge, Box 307, Charlestown, R.I. 02813. Contact Donald Tiller at 401-364-3106. Special conditions: Foot entry is permitted during daylight hours by advance reservation only, for the purposes of environmental education studies, hiking, nature study, and photography. Entrance permits may be obtained for specific dates, by mail from the above address. Motor vehicles are limited to the designated parking areas. Pets are not permitted on the refuge unless authorized in the entrance permit. Authorized pets must be kept on a leash not over 10 feet in length, the end of which is secured so as to restrict the movements of the animal.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26. 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.

WILLIAM C. ASHE,
Acting Regional Director, United States Fish and Wildlife Service.

MARCH 10, 1978.

[FR Doc. 78-6827 Filed 3-15-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Blackbeard Island and Savannah National Wildlife Refuges; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction.

SUMMARY: These special regulations correct special regulations previously published in Vol. 43, No. 17, FEDERAL REGISTER on Wednesday, January 25, 1978 and described the conditions under which sport fishing will be permitted on Blackbeard Island and Savannah National Wildlife Refuges.

DATES: Effective on March 16, 1978, for duration of calendar year 1978.

FOR FURTHER INFORMATION CONTACT: The Area Manager or Refuge Manager at the address or telephone number listed below:

Donald J. Hankla, Area Manager, U.S. Fish and Wildlife Service, 900 San Marco Boulevard, Jacksonville, Fla. 32207, 904-791-2267.

John P. Davis, Refuge Manager, Savannah (and Blackbeard Island) National Wildlife Refuge, P.O. Box 8487, Savannah, Ga. 31402, 912-232-4321 ext. 415.

SUPPLEMENTARY INFORMATION:

GENERAL

Sports fishing regulations were previously published in the FEDERAL REGISTER, Vol. 43, No. 17, pages 3365-3367, for Blackbeard Island and Savannah National Wildlife Refuges. An error was made in regulations published for Blackbeard Island National Wildlife Refuge and Savannah National Wildlife Refuge relative to fishing hours and use of boats and motors.

Sport fishing on portions of the Savannah and Blackbeard Island National Wildlife Refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (address listed above).

§ 33.3 Special regulations: sport fishing for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Fresh water sport fishing on the Blackbeard Island National Wildlife Refuge, McIntosh County, Townsend, Ga., is permitted on only two areas totaling 350 acres. The sport fishing season extends from March 15 through October 25, 1978. No one will be allowed on the refuge before sunrise and all persons must be off the refuge no later than one-half hour after sunset. Boats with electric motors permitted. Gasoline powered motors prohibited. Use of live minnows as bait prohibited. Private boats may not be left on the refuge overnight.

GEORGIA AND SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, Jasper County, Hardeeville, S.C., is permitted only on designated impounded waters, tidal creeks, ditches and canals in an area comprising 26,000 acres. The sport fishing season extends from March 15 through October 25, 1978, for all impounded waters. No one will be allowed on the refuge before sunrise and all persons must be off the refuge no later than one-half hour after sunset. Only electric motors are permitted on impounded waters. Tidal creeks may be fished from boats only from February 1 through October 25. Rod and reel, pole and line, artificial and live baits are permitted. All areas posted with "closed area" signs are closed to all activities including fishing. Private boats may not be left on the refuge overnight.

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

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

SAM O. DRAKE, Jr.,
Acting Area Manager.

MARCH 7, 1978.

[FR Doc. 78-6828 Filed 3-15-78 8:45; am]

[4310-55]

PART 33—SPORT FISHERIES

Opening of Arrowwood National Wildlife Refuge, N. Dak., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: Season dates April 1, 1978 to September 29, 1978, and from December 1, 1978 to March 31, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Foster, Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, N. Dak. 58476, 701-285-3341.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Arrowwood National Wildlife Refuge, N. Dak., only on the areas designated by signs as being open to fishing. These areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition: (1) The use of boats, without motors, is permitted.

The provisions of this special regulation supplement the regulation which govern fishing on wildlife refuges 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.

JOHN R. FOSTER,
Arrowwood Complex Manager.

MARCH 8, 1978.

[FR Doc. 78-6813 Filed 3-15-78; 8:45 am]

[4310-35]

PART 33—SPORT FISHING

Opening of Big Lake National Wildlife Refuge, Ark., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: March 1, 1978 through October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Marvin L. Nichols, Refuge Manager,

P.O. Box 67, Manila, Ark. 72442, 501-564-2429.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on Big Lake National Wildlife Refuge, Ark., except as may be closed by special regulations or the posting of closed area signs. Approximately 5,500 acres of open water and flooded timber are open to fishing. These areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Department of Interior, Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347.

Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. The area around the Floodway Dam south of the Highway 18 bridge will be open to bank fishing throughout the year, 24 hours per day.
2. Trespassing on water control structures and associated support materials is prohibited.
3. Limb hooks are not permitted.
4. A length of cotton line of at least 24 inches must be attached to each end of a trotline and must extend from the point of attachment into the water.
5. Boats may only be launched in areas designated for that use.
6. Airboats are prohibited.

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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6814 Filed 3-15-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Catahoula National Wildlife Refuge, La., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: March 1, 1978 through October 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen K. Joyner, Refuge Manager, Catahoula National Wildlife Refuge, P.O. Drawer LL, Jena, La. 71342, 318-992-5261.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Catahoula National Wildlife Refuge, La., only on the areas designated by signs as being open to fishing. These areas, comprised of Cowpen Bayou Impoundment and Duck Lake Marsh, are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, U.S. Department of the Interior, Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. The sport fishing season on the refuge extends from April 1 through October 31.
2. Fishing is permitted from 30 minutes before sunrise to 30 minutes after sunset.
3. Gasoline powered outboard motors are not allowed in Cowpen Bayou. Electric trolling motors only may be used. Outboard motors may be used in Duck Lake Marsh.
4. Boats may not be left on the refuge overnight.
5. No camping or campfires are permitted.
6. No yo-yos, trotlines or nets are permitted.

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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6815 Filed 3-15-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Choctaw National Wildlife Refuge, Ala., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: Year-round, in accordance with State regulations.

FOR FURTHER INFORMATION CONTACT:

Jerome T. Carroll, Refuge Manager, Choctaw National Wildlife Refuge, P.O. Box 808, 2704 Westside College Avenue, Jackson, Ala. 36545. Telephone: 205-246-3583.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Choctaw National Wildlife Refuge, Ala., year-round on all refuge waters not specifically posted as closed to fishing. These open areas comprising 2,000 acres are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, U.S. Department of the Interior, Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Fishing is permitted during daylight hours only.
2. Boats and motors are permitted.
3. Trotlines are not permitted in refuge impoundments.
4. Equipment (boats, trailers, vehicles, etc.) are not permitted overnight.
5. Boat launching is permitted only at the refuge's north end boat ramp.

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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6816 Filed 3-15-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Delta National Wildlife Refuge, La., to Sport Fishing and Sport Shrimping

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: Closed only during the waterfowl hunting season.

FOR FURTHER INFORMATION CONTACT:

Cecil E. McMullan, Refuge Manager, Delta National Wildlife Refuge, Venice, La. 70091, telephone: 504-323-3232 (Pilottown).

SUPPLEMENTARY INFORMATION:

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

Sport fishing and sport shrimping permitted on the Delta National Wildlife Refuge, La., on all refuge waters. These areas comprising the entire refuge are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, U.S. Department of the Interior, Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing and sport shrimping shall be in accordance with all applicable State regulations subject to the following conditions:

1. Fishing and shrimping permitted during daylight hours only.
2. Sport shrimp trawls are restricted to a maximum of 25 feet.
3. Air thrust boats are prohibited.

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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6817 Filed 3-15-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Holla Bend National Wildlife Refuge, Ark., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: March 15, 1978 through September 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Paul D. Daly, Refuge Manager, Holla Bend National Wildlife Refuge, P.O. Box 1043, Russellville, Ark. 72801, telephone: 501-968-2800.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on Holla Bend National Wildlife Refuge, Ark., on all refuge waters not specifically posted as closed to entry. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

1. The sport fishing season extends from March 15 through September 30, 1978.
2. Fishing is permitted during daylight hours only.

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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6818 Filed 3-15-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Lacassine National Wildlife Refuge, La., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

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

DATES: March 1, 1978, through October 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Bobby W. Brown, Lacassine National Wildlife Refuge, Route 1, Box 186, Lake Arthur, La. 70549, phone 318-774-2750.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Lacassine National Wildlife Refuge, La., only on the areas designated by signs as being open to fishing. These areas comprising the entire refuge are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Department of Interior, Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. No person may possess more than the daily creel limit allowed by State law.
2. Fishing is permitted from 1 hour before sunrise until 1 hour after sunset.
3. Entry into Lacassine Pool is restricted to the four rollerway sites.
4. Boats may not be left inside the refuge overnight.
5. Boats with outboard motors totaling not more than 25 hp. are permitted in Lacassine Pool. There are no size restrictions on boats and motors used in the canals and streams. Airboats of any size may not be used 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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6819 Filed 3-15-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Long Lake National Wildlife Refuge, N.Dak., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

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

DATES: Season dates April 1, 1978 to September 29, 1978 and from December 1, 1978 to March 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter T. Smith, Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N.Dak. 58560, phone number 701-387-4397.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Long Lake National Wildlife Refuge, N.Dak., only on the areas designated by signs as being open to fishing. These areas comprising about 4 miles of shoreline are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Fishing permitted from banks only—no boats.

(2) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges 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.

JOHN R. FOSTER,
Arrowwood Complex Manager.

MARCH 8, 1978.

[FR Doc. 78-6820 Filed 3-15-78; 8:45 am]

[4310-35]

PART 33—SPORT FISHING

Opening of Noxubee National Wildlife Refuge, Miss., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: March 1, 1978 through October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Travis H. McDaniel, Refuge Manager, Noxubee National Wildlife Refuge, Route 1, Box 84, Brooksville, Miss. 39739, telephone 601-323-5548.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Noxubee National Wildlife Refuge, Miss., on all refuge waters not specifically posted as closed to entry. These open areas, comprising 2,000 acres are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with applicable State regulations subject to the following conditions:

1. The sport fishing season extends from March 1, through October 31, 1978.

2. Fishing permitted during daylight hours only.

3. A daily permit ($1) is required by the Mississippi Game and Fish Commission to fish in Bluff and Loakfoma Lakes and tail waters of the spillways.

4. No limb lines or limb hooks are permitted in Bluff and Loakfoma Lakes.

5. All trotlines will be removed from the refuge by the close of the refuge fishing season.

6. Private boats may not be left overnight on the refuge.

7. No snag lines permitted.

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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6821 Filed 3-15-78; 8:45 am]

[4310-35]

PART 33—SPORT FISHING

Opening of Sabine National Wildlife Refuge, La., to Sport Fishing

AGENCY: Fish and Wildlife Service.

ACTION: Special regulation.

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

DATES: March 1 through October 15, 1978.

FOR FURTHER INFORMATION CONTACT:

John R. Walther, Refuge Manager, Sabine National Wildlife Refuge, MRH Box 107, Hackberry, La. 70645, phone 318-762-5135.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Sabine National Wildlife Refuge, La., only on the areas designated by signs as being open to fishing. These areas comprising 40,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. The sport game fishing season on the refuge extends from March 1 through October 15.

2. No person may possess more than the daily creel limit allowed by State regulations.

3. Fishermen must not enter refuge waters earlier than 1 hour before sunrise and shall leave refuge waters by 1 hour after sunset.

4. Boats may be moored only at designated areas in Pool 1-b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

5. Boats may not be dragged across levees for access to pool areas. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees. Boat access into Pool 1-b is restricted to bridge sites on Road Canal.

6. Boats with not more than 25 h.p. are permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6822 Filed 3-15-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Wapanocca National Wildlife Refuge, Arkansas, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

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

DATES: (Season date) April 1, 1978 through September 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Bill A. Grabill, Refuge Manager, Wapanocca Refuge, P.O. Box 279, Turrell, Ark. 72384, telephone 501-343-2595.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Wapanocca National Wildlife Refuge, Arkansas, only on the areas designated by signs as being open to fishing. These areas comprising 1,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Sport fishing is permitted on the refuge from April 1 through September 30 during daylight hours only. The lake is closed to all access during other periods.

2. Boats may be launched only at the Public Fishing Access Area.

3. Boat motors larger than 10 h.p. are prohibited.

4. No fishing is permitted within 100 yards of any refuge building or structure.

5. All applicable State regulations are in effect. The use of live carp, shad, buffalo, and goldfish for bait is prohibited. Yo-yos, jugs, drops, trotlines, and all commercial fishing tackle are prohibited.

6. Gates to the public parking area will be subject to closure in the event all parking spaces are taken and will only be reopened as space becomes available.

7. Visitors must comply with all regulatory signs. Littering violations will be prosecuted.

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 FR, 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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6823 Filed 3-15-78; 8:45 am]

[4310-35]

PART 33—SPORT FISHING

Opening of White River National Wildlife Refuge, Arkansas, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

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

DATES: March 16, 1978, through October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond R. McMaster, Refuge Manager, White River National Wildlife Refuge, P.O. Box 308, 704 S. Jefferson Street, DeWitt, Ark. 72042, telephone 501-946-1468.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the White River National Wildlife Refuge, Arkansas, only on the areas designated by signs as being open to fishing. These open areas comprising 2,592 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Department of the Interior, Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga., 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. The sport fishing season extends from March 16, 1978 through October 31, 1978.

2. Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

3. Taking of frogs is prohibited.

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 FR, 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.

Dated: March 8, 1978.

RUSSELL EARNEST,
Area Manager.

[FR Doc. 78-6824 Filed 3-15-78; 8:45 am]

[3510-12]

Title 50—Wildlife and Fisheries

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

PART 611—FOREIGN FISHING

Fixed Gear Avoidance

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Interim rule.

SUMMARY: This interim rule amends the Foreign Fishing Regulations to provide additional protection for U.S. fixed gear fishermen by prohibiting foreign fishing between 100-200 fathom depths along the Atlantic Continental Shelf north of Cape Hatteras.

DATES: Public comments are solicited and must be submitted by April 21, 1978. This interim final amendment will be effective on March 21, 1978.

ADDRESS: Comments should be submitted to the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard H. Schaefer, Chief, Fisheries Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235. Telephone number 202-634-7454.

SUPPLEMENTARY INFORMATION: The Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended (FCMA), authorized foreign fishing within the area over which the United States exercises exclusive fishery management authority, subject to certain conditions and restrictions. Those conditions and re-

strictions that applied to foreign fishing during 1977 in the Atlantic Ocean appeared in the FEDERAL REGISTER (42 FR 8813-8845) published on February 11, 1977. Sections 611.50(j), 611.51(j), 611.52(j), 611.53(j), and 611.54(j) of those regulations contained identical language prohibiting all foreign fishing between the 100-200 fathom depths on the Continental Shelf in the Atlantic north of Cape Hatteras within authorized fishing zones. The purpose of that restriction was to prevent damage to domestic offshore fixed gear by foreign trawlers. To minimize gear conflicts further, the above regulations also required operators of foreign fishing vessels to "exercise caution" when fishing within 2 nautical miles of all reported U.S. fixed gear areas. A related benefit was to provide protection for the migrating stocks of lobster and certain groundfish.

On September 9, 1977, the National Oceanic and Atmospheric Administration (NOAA) proposed new foreign fishing regulations (42 FR 45552) which, among other things, contained the additional restriction that prohibited foreign fishing within 2 nautical miles of reported fixed gear areas. In addition, the regulations continued the restriction of foreign fishing within the 100-200 fathom curves.

In response to public comments and because the proposed regulations prohibited foreign fishing within 2 miles of reported U.S. fixed gear, rather than just requiring operators to "exercise caution" in these areas, the final regulations which were published on November 28, 1977 (42 FR 60682-60699) did not contain the 100-200 fathom restriction. It was decided at that time to determine by experience if only the 2 mile restriction without the 100-200 fathom closure was adequate protection for U.S. fixed gear fishermen while at the same time allowing foreign nations reasonable access to the fishing grounds to catch their allocation.

NOAA published notice of its findings and reasons for not continuing with the 100-200 fathom restriction on January 12, 1978 (43 FR 1816). At that time notice was served on the embassies of all the nations fishing in the area indicating that the National Marine Fisheries Service (NMFS) would closely monitor instances of gear conflict during 1978, and on the basis of this experience, would consider reinstating the 100-200 fathom restriction if it appeared necessary.

As of this date there is evidence to indicate that several incidents have occurred involving gear conflicts between foreign vessels and U.S. fixed gear in the 100-200 fathom depths in the permitted fishing areas. NMFS has determined that: (1) There have been at least four documented incidents of gear conflicts resulting in a significant loss of U.S. lobster gear and related financial damage; (2) the Coast Guard reported no domestic trawlers in the area during the period in question; (3) in several instances where gear or gear remnants have been recovered, such gear or gear remnants have shown markings that indicate trawl gear contact; (4) U.S. observers aboard foreign vessels, U.S. fishermen in the area, and aerial surveillance by NMFS and Coast Guard agents fix some foreign fishing vessels in areas of U.S. fixed gear during the times of the reported gear loss (there were 160 sightings of foreign vessels in the Atlantis Canyon area); (5) it has been determined that bad weather could not have caused the type and extent of loss experienced; and (6) U.S. fixed gear fishermen are finding it difficult to refinance lost gear as long as the significant risk of gear conflict continues.

Based upon these factors, NOAA has determined that additional expanded protection for U.S. fixed gear fishermen is necessary to assure that gear conflicts be further minimized or totally avoided. The New England Regional Fishery Management Council recently passed a resolution specifically endorsing a reinstatement of the 100-200 fathom restriction, and the Mid-Atlantic Regional Fishery Management Council is not opposed to having this restriction reinstated.

NOAA has a responsibility to insure adequate protection for U.S. fixed gear fishermen, notwithstanding the legitimate need of foreign fishing vessels to be allowed reasonable access to the fishing grounds to catch their allocations. Congress specifically found that foreign fishing vessels have caused damage to U.S. fixed gear and so stated in section 2(a)(3) of the FCMA. Under these circumstances NOAA has decided to reinstate the restriction of foreign fishing within the 100-200 fathom curves on the Atlantic Continental Shelf north of Cape Hatteras.

NOAA fully intends to give advance warning to the embassies of all the nations fishing in the affected areas. Consequently, these regulations will become effective on March 21, 1978. To allow foreign fishing vessels sufficient time to adjust their fishing activities accordingly, this notice will be delivered immediately to the embassies of the countries involved and communicated through the Coast Guard to foreign vessels through channels of communication foreign vessels are required to monitor. NOAA will continue to explore other possible means for accommodating the interest of U.S. fixed gear fishermen while at the same time allowing foreign fishing vessels reasonable access to the fishing grounds to catch their full allocations. Possible means being actively considered include extending the fishing season in order to allow foreign nations the full opportunity to harvest their allocation, and requiring that U.S. fishermen report to the Coast Guard all fixed gear locations. NOAA plans to propose in the near future a mandatory reporting requirement of fixed gear by U.S. fishermen in the Northwest Atlantic. If such a reporting requirement is imposed, the 100-200 fathom restriction will be terminated. All of these would have to be consistent with other purposes and requirements of management plans and the FCMA.

NOAA has determined that additional notice and public procedure on this measure are impracticable, unnecessary, and contrary to the public interest. This determination is based upon the need for prompt additional protection for U.S. fixed gear fishermen from foreign trawling, which is indicated by the evidence described above. Moreover, the public has already submitted a number of comments on the 100-200 fathom restriction, in response to the proposed rulemaking of September 9, 1977. Finally, foreign fishermen and their governments were alerted by the January 12, 1978, notice to the fact that NMFS intended to monitor closely all incidents of gear conflict involving foreign fishing vessels in the area and, if it appeared necessary, to consider reinstating the 100-200 fathom restriction.

In the interest of full public participation, this restriction is being made effective on an interim basis, with an opportunity for further public comment.

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

ROBERT W. SCHONING,
Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

§ 611.50 [Amended]

Section 611.50 is hereby amended by replacing paragraph (e)(1) of that section with the following:

* * * * *

(e) *Fixed gear avoidance.* (1) No foreign fishing vessel may fish in any fixed gear area (as broadcast by the Coast Guard; see § 611.11(b) and subparagraph (2) of this paragraph), or within waters overlying the 100 to 200 fathom curves on the Atlantic Continental Shelf north of Cape Hatteras. The operator of each foreign fishing vessel shall not fish within 2 nautical miles of any fixed gear area reported according to the above. Operation in areas of fixed gear locations or within the 100-200 fathom curves shall be at the risk of the owner or operator of the foreign vessel for liability purposes resulting from damage to fixed gear.

[FR Doc. 78-7134 Filed 3-15-78; 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

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 212]

RESELLERS AND RETAILERS—BLENDS OF COVERED AND SYNTHETIC PRODUCTS

Proposed Amendments to Petroleum Price Regulations

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") hereby gives notice of a proposal to amend its petroleum price regulations applicable to resellers and retailers to permit such firms that blend non-petroleum based products ("synthetic products"), such as alcohol, with regulated petroleum products to reflect in the selling prices of the resulting blend the costs associated with the synthetic product portion of the blend. Certain firms are marketing a blend of gasoline and alcohol which is called "Gasohol." The cost of the alcohol portion of the blend is not permitted to be reflected in the maximum price permitted to be charged for the blend. The potential of Gasohol to stretch the available gasoline supply by 10 percent may make desirable the removal of regulatory impediments to its marketing.

DATES: Written comments by April 11, 1978, 4:30 p.m.; Requests to speak by March 27, 1978, 4:30 p.m.; Washington hearing: April 10, 1978, 9:30 a.m.; Chicago hearing: April 6, 1978, 9:30 a.m.

ADDRESSES: All comments to: Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Box RQ, 2000 M Street NW., Washington, D.C. 20461; Washington Hearing: Attn: Office of Regulations Management, Economic Regulatory Administration, Room 2313, Box RQ, 2000 M Street NW., Washington, D.C. 20461; Chicago Hearing: Department of Energy, 175 West Jackson Boulevard, Room A333, Chicago, Ill. 60604. Hearing locations: Washington Hearing: 2000 M Street NW., Room 2105, Washington, D.C. 20461; Chicago Hearing: Everett McKinley Dirksen Building, Room 204A, 219 South Dearborn, Chicago, Ill. 60604.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, Room 2214B, 2000 M Street NW., Washington, D.C. 20461, 202-254-5201.

Ed Vilade (Media Relations), Department of Energy, Room 3104, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9833.

Chuck Boehl (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street NW., Washington, D.C. 20461.

Margot Dinneen (Office of General Counsel), Department of Energy, Room 5136, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Proposed Amendments.
III. Comment Procedures.

I. Background

Under 10 CFR 212.93 of the DOE price regulations, a reseller (or retailer) may charge a price for covered products (i.e., refined petroleum products that are subject to price regulation) not to exceed the lawful May 15, 1973 price to each class of purchaser, plus an amount which reflects, on a dollar-for-dollar basis, the reseller's "increased product costs." Section 212.92 defines "increased product costs" as

> the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973 * * *.

The word "product" in this definition was intended to mean only covered products, and, within each particular covered product category, each of the various grades or types of that covered product that are distinguished by significant technical differences. For example, although the term "gasoline" is defined in § 212.31 to include "all the various grades," it is the intention of § 212.93 that a reseller of gasoline make a separate increased product cost calculation for regular, premium and other grades of gasoline, and, within those grades, for leaded and unleaded types. The word "product" in § 212.92 does not permit the passthrough as increased product costs of those costs associated with any non-covered product that is blended by the reseller with a covered product and sold by the reseller as a covered product.

In addition to allowing the passthrough of product costs, § 212.93 allows resellers and retailers to pass through increases in their non-product costs, up to certain limitations. For example, a retail dealer of gasoline may currently pass through increased non-product costs of three cents per gallon, in addition to any increased product costs. The amount of non-product cost passthrough varies depending upon the product sold and whether the sale is made at wholesale or at retail.

We are today proposing to amend the definition of "increased product costs" in § 212.92 to permit resellers that blend synthetic (i.e., non-petroleum-based) products with covered products to pass through in their allowable prices that portion of increased costs attributable to the synthetic products contained in the blend. We have tentatively concluded that this amendment may be necessary because certain resellers and retailers have begun to blend and market covered products with certain fuels that were never subject to controls because they are not petroleum products. For example, a number of firms in Illinois and other midwestern states are marketing blends of unleaded gasoline and ethyl alcohol in a ratio of 9 to 1. The resulting blend (often called "Gasohol"—a registered trademark of the State of Nebraska) can be used as a motor fuel in the same manner as gasoline. Information available to us indicates that the cost of the ethyl alcohol portion of the blend is over $1.30 per gallon, and that if the cost of the alcohol portion of the blend is not permitted to be reflected in the maximum price permitted to be charged for the blend—except insofar as non-product cost allowances are available for that purpose—firms would not be able to recover fully their costs of the blend.

Such a result would not appear to be in the public interest. While we are not in a position at this time to endorse the claims made about Gasohol by its proponents (for example, that it increases automobile mileage and decreases air pollution emissions), there is one potential feature of this product

that makes desirable the removal of regulatory impediments to its marketing—that is, its potential to stretch an available gasoline supply by as much as 10 percent even if the product does not result in increased engine efficiency. The removal of existing regulatory impediments would appear to be particularly warranted given that the marketing of Gasohol is still in its experimental stages and that the current regulatory obstacles were unintended and do not further any significant national energy policy.

The limited marketing of Gasohol in Illinois is currently accomplished under a temporary stay from the price regulations granted by ERA's Office of Administrative Review on January 17, 1978, and later extended on February 3, 1978. Under the temporary stay, sellers of Gasohol may add to the lawful May 15, 1973 per unit selling price for each grade and type of gasoline blended and sold as Gasohol to each class of purchaser—

the weighted average per gallon cost of ethyl alcohol purchased during the month involved less the weighted average unit cost of motor gasoline in inventory on May 15, 1973 multiplied by the percentage of ethyl alcohol contained in the blend.

II. Proposed Amendments

We propose to amend the definition of "covered products" in § 212.31 to provide that a blend of a covered and a synthetic product is considered to be a covered product if the covered product constitutes more than 10 percent of the blend. The regulation presently provides that blends of two or more covered products are considered to be that covered product which constitutes the major proportion of the blend.

The proposal would also amend the definition of "increased product costs" in § 212.92 to provide that a firm that blends covered and synthetic products may reflect in the price permitted to be charged for the blend the increased cost attributable to the synthetic product portion of the blend. With respect to products, such as Gasohol, that were not being blended by any firm on or before May 15, 1973, the provisions of the new item rule in § 212.111 are not well suited to determining maximum permissible prices, both because there would be no price at a "nearest comparable outlet" that had been established by an independent price rule and because, given the change proposed above to the definition of covered products, a product like Gasohol is not a "new item" at all, but is unleaded gasoline, the covered product that constitutes the major portion of the blend. However, inasmuch as some products, like Gasohol, were not being blended until just recently, a May 15, 1973 weighted average unit cost in inventory will need to be imputed for the synthetic product portion of such blends. Accordingly, we are proposing a rule that would impute as a May 15, 1973 weighted average unit inventory cost for the synthetic product portion of the blend the weighted average unit cost in inventory on May 15, 1973 of the covered product portion of the blend. Additionally, we propose to amend § 212.93 to provide that class of purchaser determinations which had been established for the covered product portion of the blend would remain in effect for the blended product.

III. Other Issues

In addition to requesting specific and thorough comments on each of the above-described amendments to the current price regulations, we specifically request comments on the following matters:

1. What should be the effective date of these amendments if they are adopted? Three possibilities are: (a) January 17, 1978, the effective date of the temporary stay, issued by the Office of Administrative Review, to establish a price for the temporary marketing of Gasohol; (b) the date the current stay expires; or (c) 30 days after the publication of a final rule in this proceeding, should we decide to adopt one, which is the usual date on which DOE regulations become effective.

2. Are there any amendments to the current regulations, other than those described above, that constitute regulatory impediments to the marketing of blends of covered and synthetic products, that we should also propose?

3. What blends of covered and synthetic products are currently being maketed or are likely to be marketed in the near future? What is the composition of these blends? What are the current or expected costs of their components? What is the potential of such blends for fuel savings and reduction of our dependence on imported oil? Should any amendments to the DOE price regulations, other than those described above, be proposed to facilitate their marketing and use?

4. In addition to removing obstacles to the passthrough of synthetic product costs, should we propose amendments that would provide positive incentives for the blending of covered and synthetic products of domestic origin? For example, should blends of covered products with certain high-cost, synthetic products be allowed to participate in the crude oil cost equalization ("entitlements") program? If such positive incentives should be adopted, describe how such regulatory modifications might be accomplished.

5. Are there any specialized costs involved in blending covered with synthetic products by resellers and retailers? Should special provision be made in the regulations for the passthrough of these costs, or are the present rules regarding the passthrough of non-product costs adequate?

6. Are there blends of covered and synthetic products that have a smaller or large volume than the sum of their component volumes? If so, are compensating adjustments to the proposed regulations needed and what form should they take?

7. What are the prices at which Gasohol is being marketed under the temporary stay issued by the Office of Administrative Review? How do these prices relate to the prices of competitive products? Are they adequate to cover costs? What is the volume of Gasohol being sold, both in total gallons and in relationship to competitive products?

8. Are covered products being blended with once-covered products? Should the rule proposed here be expanded to include blends of covered with once-covered products?

IV. Comment Procedures

A. Written Comments

You are invited to participate in this rulemaking by submitting views, data, or arguments with respect to the proposal set forth in this Notice. Comments should be submitted to the address indicated in the "ADDRESSES" section of this Notice and should be identified on the outside with the designation "Amendments to Petroleum Price Regulations Applicable to Resellers and Retailers—Blends of Covered and Synthetic Products." Fifteen copies should be submitted. All comments received by April 11, 1978 and all relevant information will be considered before final action is taken on the proposed amendment. All comments reeceived will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

If you submit any information or data you believe to be confidential, it must be so identified and submitted in writing, 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.

B. Public Hearings

1. *Requesting Opportunity for Oral Statement.* The times and places for the hearings are indicated in the "DATES" and "ADDRESSES" sections of this Notice. If necessary to present all testimony, the hearings will be continued to 9:30 a.m. of the first business day following the dates therefor shown above.

You may make a written request for an opportunity to make an oral pre-

sentation at the hearings. You should be prepared to describe the interest concerned; if appropriate, to state why you are a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified before 4:30 p.m. March 30, 1978 and must submit 100 copies of your statement before 4:30 p.m., April 7, 1978 for the Washington, D.C. hearing, or 4:30 p.m., April 5, 1978 for the Chicago hearing. Statements for the Washington hearing should be sent to the Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

2. *Conduct of the Hearings.* We reserve the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at each of the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Questions to be asked of any person making a statement at the hearings may be submitted to the Office of Regulations Management at the above address before 4:30 p.m., April 7, 1978. You may also submit any questions, in writing, to the presiding officer at the time of the hearing. The ERA or, if the question is submitted at a hearing, the presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase copies of the transcripts from the reporters.

As required by section 7(a)(1) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, 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 at this time, but will continue to review the proposal and will provide any comments he may have in the comment period indicated in this Notice.

NOTE.—We have determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Pursuant to the requirements of Section 404 of the Department of Energy Organization Act (Pub. L. 95-91), upon issuance of this proposed rule, a copy of this Notice will be referred to the Federal Energy Regulatory Commission for a determination, in its discretion, whether this proposed rule may significantly affect any function within the Commission's jurisdiction pursuant to section 402(a)(1), (b), and (c)(1) of that Act. The Commission will have until April 11, 1978, the date the public comment period closes, to make this determination.

(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; 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 212 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., March 7, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

1. Section 212.31 is amended in the definition of "Covered products" to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means aviation fuel (kerosene-type), aviation gasoline, butane, crude oil, gasoline, natural gas liquids, natural gasoline, and propane. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend. A blend of one or more covered products with one or more non-petroleum based products is considered a covered product if the covered product or products constitute more than 10 percent by volume of the blend, and shall be considered that covered product which is the most predominant by volume in the blend.

* * * * *

2. Section 212.92 is amended by revising the definition of "Increased product costs" to read as follows:

§ 212.92 Definitions.

For purposes of this subpart—

"Increased product costs" means the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973. If the product in inventory is a blend of one or more covered products and one or more non-petroleum-based products, and the predominant covered product was in inventory on May 15, 1973 but the non-petroleum-based product or products were not, increased product costs shall be deemed to be the difference between the weighted average unit cost in inventory of the blended product, including its non-petroleum-based product components, and the weighted average unit cost of the predominant covered product in inventory on May 15, 1973. (Decreases in the weighted average unit cost of a product in inventory in successive accounting periods are reflected in reductions in the amount of increased costs incurred in those accounting periods, in accordance with § 212.93(c).) If a particular product was not in inventory on May 15, 1973, the date for computing the cost is the most recent day preceding May 15, 1973, when the seller had the product in inventory.

* * * * *

3. Section 212.93(a) is amended to read as follows:

§ 212.93 Price rule.

(a) A seller may not charge a price for an item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which relects, on a dollar-for-dollar basis, the increased product costs concerned. Each seller shall maintain records sufficient to justify prices charged which reflect increased product costs, including, if applicable, records which demonstrate that the seller qualifies to determine increased product costs according to separate in-

ventories. With respect to an item which is blended by the seller, and which was not blended by the seller on or before May 15, 1973, the "weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973" shall be imputed to be the lawful price charged by the seller for the predominant covered product in the blend in transactions with the class of purchaser concerned on May 15, 1973.

[FR Doc. 78-6812 Filed 3-15-78; 8:45 am]

[1505-01]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 11]

Securities Exchange Act Disclosure Rules

Correction

In FR Doc. 78-6473, appearing at page 10371 in the issue of Monday, March 13, 1978, the paragraph headed, "DATE:" on page 10372 should read, "Written comments must be received on or before May 12, 1978."

[1505-01]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-EA-91]

PROPOSED ALTERATION, REVOCATION AND DESIGNATION OF JET ROUTES, CONTROL AREAS, TRANSITION AREAS, AND COMPULSORY REPORTING POINTS

Correction

In FR Doc. 78-5767 appearing at page 9157 in the issue for Monday, March 6, 1978, in the middle column of page 9159, under "The Proposed Amendment", the paragraph numbered "1" should be deleted and the following inserted:

1. In § 71.161 "Jet Route No. 63 and 153" would be deleted. In Jet Route No. 62 "the INT of the Nantucket 089° radial and the western boundary of the New York Oceanic Control Area." would be deleted and "Lat. 41°08'00" N., Long. 67°00'00" W." would be substituted therefor. In Jet Route No. 97 "the INT of the Nantucket 157° radial and the western boundary of the New York Oceanic Control Area." would be deleted and "Lat. 39°07'00" N., Long. 67°00'00" W." would be substitued therefor.

[4910-13]

[14 CFR Part 121]

[Docket No. 17326; Reference Notice No. 77-26]

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

Compensation for Required Security Measures in Foreign Air Transportation; Postponement of Public Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Postponement of public meeting.

SUMMARY: This notice postpones a public meeting which was to be held on March 21, 1978, for the purpose of discussing certain public comments received in response to Notice 77-26. This postponement is necessary to allow more time for the development and publication of specific agenda items that will aid in the resolution of problems raised by these comments.

DATE AND TIME: To be announced.

FOR FURTHER INFORMATION CONTACT:

Robert P. Jones, Regulations Branch (ACS-130), Air Operations Security Division, Civil Aviation Security Service, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-8798.

SUPPLEMENTARY INFORMATION: On March 6, 1978, (43 FR 9159) the FAA announced a meeting to be held on March 21, 1978, to assist in resolving certain substantive problems raised by the Civil Aeronautics Board in its response to Notice 77-26 (42 FR 56957; October 31, 1977). For the benefit of the participants in this meeting and to ensure productive discussion, the FAA is developing a list of specific information that it will request participants to submit before the meeting, for discussion at the meeting. So that this list may be completed and published, it is necessary to postpone the meeting.

Accordingly, the meeting set for March 21, 1978, is hereby postponed. In the near future, the FAA expects to publish a new date for the meeting, together with an agenda and list of questions for the participants.

The principal authors of this document are Robert P. Jones, Civil Aviation Security Service, and Donald P. Byrne, Office of the Chief Counsel.

(Sec. 24, Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1356a); § 1.47(f)(3), Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(f)(3)).)

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

Issued in Washington, D.C., on March 13, 1978.

RICHARD F. LALLY,
Director,
Civil Aviation Security Service.

[FR Doc 78-7068 Filed 3-15-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Chapter II]

[EDR-347, PDR-49; Docket 32219; Dated: March 9, 1978]

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

Advance Notice of Proposed Rulemaking

MARCH 9, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This proposal is to elicit comments (1) on the correctness of the Board's tentative legal ruling that U.S. corporations are citizens of the United States for the purposes of section 408(a)(4) of the Federal Aviation Act, (2) to determine the extent and nature of the effect of such a ruling, and (3) to formulate possible regulatory solutions through rulemaking procedures for problems which may arise.

DATES: Comments by May 1, 1978. Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable. Requests to be put on the Service List: March 27, 1978. Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 32219, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aero-

nautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Donald H. Horn, Routes Division, Office of the General Counsel, Civil Aeronautics Board, 202-673-5206.

SUPPLEMENTARY INFORMATION: Section 408 of the Act (49 U.S.C. 1378), relating to consolidations, mergers, and acquisitions of control provides in part that "(a) It shall be unlawful unless approved by order of the Board as provided in this section—

* * * * *

"(4) For any foreign air carrier or person controlling a foreign air carrier to acquire control, in any manner whatsoever, of any *citizen of the United States* engaged in any phase of aeronautics; [emphasis supplied]

* * * * *

"(7) For any person to continue to maintain any relationship established in violation of any of the foregoing subdivisions of this subsection."

Section 101 of the Act (49 U.S.C. 1301), definitions, provides in part: "As used in this Act, *unless the context otherwise requires*—[emphasis supplied]

* * * * *

"(13) 'Citizen of the United States' means (a) an individual who is a citizen of the United States or one of its possessions, or . . . (c) a corporation or association created or organized under the laws of the United States or of any State, Territory or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions."

In two pending cases[1] a situation is presented in which a person controlling a foreign air carrier may have acquired control of a U.S. corporation engaged in a phase of aeronautics. In neither case is it certain that the ownership or control of the U.S. corporation was, at the time of the acquisition, in the hands of natural U.S. citizens so as to render the U.S. corporation a "citizen of the United States" within the meaning of section 101(13) of the Act. The question raised in each case whether "citizen of the United States" as used in §408(a)(4) had only the meaning ascribed to those words in §101(13) or whether it might mean a U.S. corporation regardless of the nationality of the persons owning or controlling the corporation. The administrative law judge hearing the cases opted for the latter view.[2]

We have tentatively concluded that the judge's interpretation of the meaning of "citizen of the United States" in §408(a)(4) is correct. That interpretation alone carries out the self-evident purpose of §408(a)(4) and equalizes the requirement as between foreign air carriers and U.S.-flag carriers.[3] The more technical definition of §101(13) (designed to distinguished between "air carriers" and "foreign air carriers") need not be applied if the "context otherwise requires" and the context does require otherwise if the purpose and pattern of the statute are to be maintained. The legislative history is perhaps cloudy in this area but in no way compels a different conclusion. Nevertheless, we welcome and invite comment on our tentative legal conclusion.

If our tentative legal conclusion is implemented, serious but unpredictable consequences may follow. Since this legal interpretation has not been consciously applied in the past, we do not know how many or what kinds of cases will be presented to us in the future. It is difficult, therefore, to assess the burdens or hardships that will be presented to the Board or to the persons regulated by the Board. It is anticipated that free and full comments from affected persons will enable us to more fully understand the nature and scope of the problem and, as a result, the most efficacious remedies.

It is important to note that acquisitions which at any time fall within the statutory prohibition of §408(a)(4) as we tentatively interpret it will require Board approval to prevent illegality even though the statute may not have been so interpreted at the time the relationship was instituted. This flows from the plain language of §408(a)(7). Moreover, acquisitions made over the past four decades will, if our tentative ruling is made final, now require our approval. This could result in an extraordinary burden on persons subject to the Act, on our Bureau of Pricing and Domestic Aviation, and, possibly on our Bureau of Enforcement. The possible disruption of the orderly administration of the Act should be minimized to the extent feasible.

In addition, as the *Orbis* case discloses, a question relating to our foreign policy interests appears to be involved. In that case the judge found that the "person controlling a foreign air carrier" under §408(a)(4) was the Government of Poland, the "foreign air carrier" controlled by Government of Poland was LOT, and the "citizen of the United States engaged in any phase of aeronautics" was Pargiello Services, Inc., a travel agent incorporated in the United States which was indirectly acquired by the Government of Poland when Orbis acquired Pargiello. The State Department has expressed the view in that case, without elaboration, that such relationships "present complex considerations of law and foreign policy with implications which far transcend this immediate case." It is apparent that comparable situations exist with respect to many foreign countries. These countries and the Department of State should be given an opportunity to make explicit comment and to make suggestions on these problems before we propose a definite course of action and we invite such comments.

Once the Board has more detailed information on the nature and extent of the problems that may be created by its tentative conclusion, we shall attempt to devise means for minimizing regulatory requirements consistently with statutory objectives. We shall consider among other thing the use of rules, reports, approvals, and disclaimers in dealing with the problems that may develop. We now invite comments on the means we might employ with benefit.

(Secs. 101, 204, and 408 of the Federal Aviation Act of 1958, as amended: 72 Stat. 737, 743, and 767; 49 U.S.C. 1301, 1324, and 1378.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc 78-6890 Filed 3-15-78; 8:45 am]

[1505-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

AMENDMENT OF SUBPART F REGULATIONS TO CONFORM TO THE FOREIGN BASE COMPANY SHIPPING INCOME REGULATIONS AND TO THE REPEAL OF SUBPART F EXCEPTION FOR INVESTMENTS IN LESS DEVELOPED COUNTRIES

Proposed Rulemaking

Correction

In FR Doc. 78-3354 appearing at page 5529 in the issue of Thursday, February 9, 1978, make the following changes:

1. On page 5530, second column, the word "countries" followed by a period should precede the first complete word in the fifth line of § 1.951-1(c).

2. On page 5532, column three, the last complete word in the thirteenth

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[1] Globus-Gateway Tours, Ltd. (Switzerland)—Docket 29056, (herein Globus), and Tourist Enterprises Corp. "Orbis d.b.a. Orbis Polish Travel Bureau, Inc., and d.b.a. Pargiello Services, Inc.—Docket 27914 (herein Orbis).

[2] Globus, R.D. 32-40; Orbis, R.D. 12-14. Both cases will be decided by the Board subject to the approval of the President.

[3] The prohibition against U.S. carriers is in §408(a)(6).

line of §1.964-1(c)(3)(ii) should read "of".

3. On page 5533, third column, the word "operations" should be inserted between the first and second words in line eight of §1.964-4(g-2).

[4810-25]

Monetary Offices

[31 CFR Part 103]

FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Identification Required

AGENCY: Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would require banks and other financial institutions to maintain a record of the sale or redemption of each capital note or certificate of deposit sold or redeemed on or after May 15, 1978, including the name, address, and taxpayer identification number of the purchaser or person requesting payment.

The intended effect of this change is to impede the efforts of persons engaged in illegal activities to conceal the financial transactions relating to those activities by requiring that the identities of purchasers and persons requesting payment of all certificates of deposit and capital notes be verified and recorded by financial institutions.

DATE: Comments must be received on or before April 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert J. Stankey, Assistant to the Director, Office of Law Enforcement, U.S. Department of the Treasury, Room 1462, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220, 202-566-5630.

ADDRESS: Send comments on the proposal to: U.S. Treasury Department, Office of Law Enforcement, Room 1462, Washington, D.C. 20020.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they desire. All communications submitted on or before April 17, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, for examination by interested persons at the office of Shanley Keeter, Attorney-Adviser, Office of the General Counsel, U.S Department of the Treasury, Room 2000, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

DRAFTING INFORMATION

The principal authors of this document are Shanley Keeter, Attorney-Adviser, Office of the General Counsel, and Robert J. Stankey, Assistant to the Director, Office of Law Enforcement, U.S. Department of the Treasury.

It is therefore proposed to amend § 103.34 of Part 103, Title 31, Code of Federal Regulations by amending paragraph (a)(1) and by adding subparagraphs (11) and (12) to paragraph (b) to read as follows:

§ 103.34 Additional records to be made and retained by banks.

(a) With respect to each capital note or certificate of deposit sold or redeemed after May 15, 1978, or each deposit or share account opened with a bank after June 30, 1972, a bank shall, within forty-five days from the date such an account is opened, secure and maintain a record of the taxpayer identification number of the depositor or customer involved; or in the case of an account of one or more individuals, such bank shall secure and maintain a record of the social security number of an individual having a financial interest in that account.

(1) In the event that a bank has been unable to secure the identification required herein with respect to a transaction or an account within the 45-day period specified, it shall nevertheless not be deemed to be in violation of this section if (i) it has made a reasonable effort to secure such identification, and (ii) it maintains a list containing the names, addresses, and account numbers of those persons from whom it has been unable to secure such identification, and makes the names, addresses, and account numbers of those persons available to the Secretary as directed by him.

* * * * *

(b) * * *

(11) A record containing the name, address, and taxpayer identification number, if available, of any person presenting a capital note or certificate of deposit for payment, as well as a description of the instrument and the date of the transaction; and

(12) A record containing the name, address, and taxpayer identification number, if available, of the purchaser of each capital note or certificate of deposit, as well as a description of the instrument, a notation of the method of payment and the date of the transaction.

Dated: March 10, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc. 78-6765 Filed 3-15-78; 8:45 am]

[3810-01]

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency

[32 CFR Part 1806]

OFFICIAL CIVIL DEFENSE INSIGNE

Proposed Revision of Regulations

AGENCY: Defense Civil Preparedness Agency.

ACTION: Proposed Revision of Regulations.

SUMMARY: This revision of the regulation, which governs use of the offical civil defense insigne, updates the regulation by deleting obsolete provisions and more accurately reflecting the existing use of the insigne by State and local civil defense agencies.

DATE: Comments should be submitted by April 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Walter Girstantas, Assistant Director for Administrative Services, Defense Civil Preparedness Agency, Room 1D487, Pentagon, Washington, D.C. 20301, 202-695-3402.

SUPPLEMENTAL INFORMATION: What is now 32 CFR Part 1806 was initially issued in July 1952. It prescribed the official insigne of the "United States Civil Defense Corps" established by Section 401(c) of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2253(d) as a collectivity of State and local civil defense organizations. The regulation established requirements for the reproduction, manufacture, sale and possession and wearing of the insigne. The regulation served as a method by which the Federal Government established minimum standards for civil defense organizations at the State and local level. No substantial changes, other than those reflecting organizational changes, have been made, however, since 1952.

In view of the manner in which civil defense developed at the national, State, and local levels subsequent to 1952, it was decided to use other methods to establish minimum requirements than regulating the use of the insigne by civil defense organizations. Thus the regulations in 32 CFR Part 1805 concerning the United States

Civil Defense Corps were withdrawn in 1974, 39 FR 41709; however, the Corps was continued, see 39 FR 39480, and still exists for such purposes as State or local governments deem the Corps should serve.

The insigne presently is used by State and local civil defense agencies. DCPA regulations require that organizational equipment and administrative equipment be marked with the insigne. See 32 CFR 1801.4(1), and 1807.6(j).

The insigne consists of the letters "CD" in bright red centered in a white equilateral triangle on a blue circle. However, the color combination can be varied.

There is now an international distinctive sign for certain civil defense organizations which was established in the Protocol additional to Geneva Conventions of August 12, 1949 and Relating to the Protection of Victims of International Armed Conflicts. This international sign consists of a blue equilateral triangle on an orange ground. There are no letters. While there is almost no likelihood of confusion of the international sign with the U.S. insigne, it is desirable to eliminate any possible confusion by regulating use of color combination.

This rewrite of the insigne regulations deletes reference to the United States Civil Defense Corps and to members or registrants in the Corps. Instead, the regulation refers to civil defense agencies which are authorized to use the insigne and determine who may wear it. The regulation prohibits, as a color combination, use of blue on orange. It updates organizational references.

It is therefore proposed to revise Part 1806 of this chapter to read as follows:

PART 1806—OFFICIAL CIVIL DEFENSE INSIGNE

Sec.
1806.1 Purpose.
1806.2 Definitions.
1806.3 Prescribed insigne.
1806.4 Official articles.
1806.5 Manufacture, reproduction and display of the prescribed insigne.
1806.6 Distribution, issuance, and retail sale of the prescribed insigne.
1806.7 Prohibited use of the prescribed insigne.
1806.8 Violations.

AUTHORITY.—Sec. 204 and 401, Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2284 and 2253); Reorganization Plan No. 1 of 1958, 72 Stat. 1799; Executive Order 10952, 26 FR 6577; DOD Directive 5105.43; 37 FR 18636.

§ 1806.1 Purpose.

The purpose of the regulations in this part is to prescribe an official insigne for civil defense agencies and for persons engaged in approved civil defense activities and to establish requirements for the reproduction, manufacture, display, sale, possession, and wearing thereof.

§ 1806.2 Definitions.

Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) "Director, DCPA" means the Director, Defense Civil Preparedness Agency.

(b) "Civil Defense Agency" means a unit of a State or of a political subdivision established pursuant to law and responsible for the development of those activities and measures which are authorized for civil defense organizations either under Federal or State local law.

(c) "Civil Defense Director" means the person or body having authority over a civil defense agency and any duly authorized designee of such person or body. Such term may refer either to a State Director or to the civil defense director of a political subdivision.

(d) "Official articles" means articles designated as such by the Director, DCPA and embodying the prescribed insigne.

(e) "Organizational equipment" means equipment (other than personal equipment) which the Director, DCPA determines is necessary to a civil defense organization for civil defense purposes and which is of such a nature as to require the contribution of Federal funds, but not including items of equipment which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of civil defense plans.

(f) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

§ 1806.3 Prescribed insigne.

(a) The prescribed insigne shall be the design covered under Letters Patent 129797, October 7, 1941, consisting of the "CD" symbol in bright red, centered within a white equilateral triangle superimposed upon a dark blue circle.

(b) The prescribed insigne may be reproduced in the above colors, in black and white, or in the color of the surface upon which reproduced and one other color: *Provided,* That if the color of the surface on the ground is orange, the triangle shall not be blue. The intent of this restriction is that this insigne shall not be confused with the international civil defense sign established in the Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Annexes.

(c) Where appropriate, the name of a particular civil defense service may be spelled out in block letters on a horizontal or curved line immediately above the prescribed insigne or across the apex of the triangle within the blue circle. The name of the State or political subdivision should appear either immediately below the insigne or within the blue circle below the triangle. When it is desired to use both the name of the State and the name of the political subdivision, one should appear immediately below the insigne and the other within the blue circle below the triangle.

(d) The dimensions of the components of the prescribed insigne when the blue circle is 3 inches in diameter will approximate the following: The triangle will be equilateral 2¼ inches on a side, each of the letters in the "CD" symbol will be 3/16 inches in thickness and will occupy a circle 1⅛ inches in diameter centered in the triangle. Other sizes of the prescribed insigne will be established by diameter of the blue circle only; to the extent that the diameter of the blue circle is greater or less than 3 inches, the dimensions of the other components shall be proportionately increased or decreased.

(e) The following alteration or modification of the prescribed insigne is authorized pursuant to § 1806.5(c):

Radio Amateur Civil Emergency Service. Superimposed on the official civil defense insigne a white jagged arrow edged in blue resembling a flash of lightning, symbolic of space radiation, containing the inscription "Radio" in blue letters, and extending from the upper right circumference of the blue circle and through the lower left-hand angle of the triangle. Below the triangle and within the blue circle is the inscription "Races" in white letters.

§ 1806.4 Official articles.

(a) Official articles shall consist of the following articles embodying the insigne:

(1) Arm bands.
(2) Badges.
(3) Hat bands.
(4) Helmets.
(5) Pennants, placards, plates, or stickers for aircraft, vehicles, or vessels.
(6) Membership cards.

(b) No person shall possess, display, wear, or use an official article unless such person is authorized to do so by the Director, DCPA or by a Civil Defense Director: *Provided,* That this prohibition shall not apply to the possession or display of official articles by a manufacturer, wholesaler, or retailer in the normal course of business, or to display of pennants, placards, plates, or stickers on aircraft, vehicles, or vessels designated for operational use by a Civil Defense Director.

§ 1806.5 Manufacture, reproduction and display of the prescribed insigne.

(a) Any individual, association or business entity may manufacture the prescribed insigne and official articles in compliance with these regulations.

(b) The prescribed insigne may be manufactured, reproduced, and displayed only:

(1) On official articles.

(2) On organizational equipment.

(3) On items of identification issued by a Civil Defense Director to permit necessary movement of persons, vehicles and equipment during a period of emergency operations.

(4) On facilities and equipment designated for emergency operational use by a Civil Defense Director and on devices used for alerting the public in time of emergency.

(5) On official letterheads, publications, posters, signs, advertisements, lapel pins, pennants, placards, flags, banners, certificates of membership, and certificates of award used, issued, or authorized by a Civil Defense Agency or Civil Defense Director.

(6) In connection with articles or advertisements in newspapers, magazines, or other publications, or in connection with television or other public information media: *Provided*, Such use is not intended to discredit the Defense Civil Preparedness Agency or a Civil Defense Agency, or to mislead, confuse, misrepresent, defraud, or does not erroneously confer the impression of indorsement, approval, or relationship to the Defense Civil Preparedness Agency or a Civil Defense Agency.

(7) On the merit badge for "Emergency Preparedness" designed for and as authorized and awarded by the Boy Scouts of America, together with the reproduction of such merit badge on any publication or certificate of award to be used or issued by said organization in connection therewith.

(8) On such other items, whether official articles or not, as may be designated or approved by the Director, DCPA in writing.

(9) Without limitation of the foregoing, the reproduction of the prescribed insigne in connection with any publication or article used for political purposes is prohibited.

(c) No alteration or modification of the prescribed insigne may be made except as the Director may from time to time authorize.

§ 1806.6 Distribution, issuance, and retail sale of the prescribed insigne.

No distribution, issuance, or retail sale of the prescribed insigne or official articles shall be made except upon the authorization of the Director.

§ 1806.7 Prohibited use of the prescribed insigne.

No person shall possess or wear the prescribed insigne or any other device in colorable imitation thereof with intent to deceive or mislead or for the purpose of inducing the false impression that such person is engaged in the performance of an authorized civil defense service or activity.

§ 1806.8 Violations.

The manufacture, possession, or wearing of the prescribed insigne or any device in colorable imitation thereof otherwise than in accordance with these regulations by any person shall be unlawful and shall subject such person to a fine of not more than $1,000 or imprisonment of not more than one year, or both.

BARDYL R. TIRANA,
Director,
Defense Civil Preparedness Agency.

[FR Doc. 78-6811 Filed 3-15-78; 8:45 am]

[3710-92]

Corps of Engineers, Department of the Army

[33 CFR Part 207]

NAVIGATION REGULATIONS

Seaplane Restricted Area, Corpus Christi Bay, Tex.

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

ACTION: Notice of proposed rulemaking.

SUMMARY: We propose to revise the regulations which establish a seaplane restricted area in Corpus Christi Bay, Tex. The proposed revision would significantly reduce the size of the restricted area but would continue to prohibit all private and commercial vessels from operating in close proximity to the Naval Air Station property.

DATE: Comments must be received on or before 17 April 1978.

ADDRESS: Send comments to: Office of the Chief of Engineers, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph T. Eppard at 202-693-5070.

SUPPLEMENTARY INFORMATION: A seaplane restricted area was established in Corpus Christi Bay, Tex., in 33 CFR Part 207.188 on 4 March 1951. The Commander, Training Air Wing Four, Naval Air Station, Corpus Christi, Tex., has now requested that the regulations by revised to reduce the size of the restricted area and prohibit the operation of all private and commercial vessels in close proximity to the Naval Air Station property. Accordingly, we propose to revise 33 CFR 207.188 as set forth below:

§ 207.188 Corpus Christi Bay, Tex.; seaplane restricted area, U.S. Naval Air Station, Corpus Christi.

(a) *The area:* The waters of Corpus Christi Bay within the area described as follows: Beginning at a point on the south shore of Corpus Christi Bay at the "North Gate" of the U.S. Naval Air Station at longitude 97°17'15.0" W; thence through points at:

North latitude: 27°42'34.9", 27°41'46.8", 27°41'15.1", 27°41'27.0", and 27°40'41.6".
West longtitude: 97°17'09.6", 97°14'23.8", 97°14'35.4", 97°15'16.7", and 97°15'33.3".

thence to a point on shore at latitude 27°40'44.9" N; thence along the shore to the point of beginning.

(b) *The regulations:* (1) No private or commercial vessel or watercraft shall enter or remain in the area at any time, day or night except with express written approval of the enforcing agency, or as a result of *force majeure.*

(2) The regulations in this section shall be enforced by the Chief of Naval Air Training, U.S. Naval Air Station, Corpus Christi, Tex., and such agencies as he may designate.

(40 Stat. 266; 33 U.S.C. 1)

Dated: March 8, 1978.

JAMES N. ELLIS,
Colonel, Corps of Engineers,
Executive Director, Engineer Staff.

[FR Doc. 78-6996 Filed 3-15-78; 8:45 am]

[1505-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 141]

[FRL 851-5]

INTERIM PRIMARY DRINKING WATER REGULATIONS

Control of Organic Chemical Contaminants in Drinking Water

Correction

In FR Doc. 78-3414 appearing on page 5756 in the issue of Thursday, February 9, 1978, on page 5757, in the 3rd column, the last paragraph, the 10th line should read, "[re-]ceived on the ANPRM; a report. . . .".

On page 5758, in the 2nd full paragraph, the 10th line, should read, ". . . or 202-472-5016. Public comments and . . . .".

On page 5765 in the middle column, the 2nd full paragraph, the 23rd line should read, ". . . the other sample should be stored for 7 days. . . .".

[6560-01]

[40 CFR Part 180]

[FRL 868-1; PP 7E1972 & 7E1975/P72]

TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical Sodium Chlorate

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

ACTION: Proposed rule.

SUMMARY: This joint notice proposes that the pesticide chemical sodium chlorate be used on corn grain, fodder, and forage and safflower seed. Two proposals were submitted by the Interregional Research Project No. 4. This amendment to the regulations would establish exemptions from the requirement of a tolerance for residues of sodium chlorate on corn grain, fodder, and forage and safflower seed.

DATE: Comments must be received by April 17, 1978.

ADDRESS: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-755-2516.

SUPPLEMENTARY INFORMATION: Dr. C. C. Compton, Coordinator, Interregional Research Project No. 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 Stations of California, Illinois, Mississippi, and Texas, has submitted two pesticide petitions to the EPA. Pesticide petition (PP) 7E1972 submitted on behalf of the Agricultural Experiment Stations of Illinois, Mississippi, and Texas, requests that the Administrator propose that 40 CFR 180.1020 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the pesticide chemical sodium chlorate in or on the raw agricultural commodities corn grain, corn fodder, and corn forage when used as a desiccant in accordance with good agricultural practice.

PP 7E1975 submitted on behalf of the Agricultural Experiment Station of California requests that the Administrator propose that 40 CFR 180.1020 be amended by the establishment of an exemption from the requirement of a tolerance for residues of sodium chlorate in or on the raw agricultural commodity safflower seed when used as a desiccant in accordance with good agricultural practice.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of both proposed exemptions from the requirement of a tolerance included a 90-day dog- and some date elements from a 90-day rat-feeding study with no-effect levels of 10,000 parts per million (ppm) and 1,000 ppm, respectively. An exemption from the requirement of a tolerance has previously been established for residues of sodium chlorate on a variety of raw agricultural commodities. An adequate analytical method (colorimetry) is available for enforcement purposes, and the metabolism of sodium chlorate is adequately understood.

Because no detectable residues are expected in meat, milk, eggs, or poultry and safflower seed, the acceptable daily intake (ADI) is not a consideration in these proposed exemptions. No data that might be considered desirable is lacking in these petitions.

The pesticide is considered useful for the purpose for which exemptions from the requirement of a tolerance are sought, and it is concluded that the exemptions from the requirement of a tolerance established by amending 40 CFR 180.1020 will protect the public health. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). It is proposed, therefore, that the exemptions from the requirement of a tolerance be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, by April 17, 1978, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to faciliitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control numbers, "PP7E1972 & 7E1975/P72." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Office of the Federal Register from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: March 9, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

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

It is proposed that Part 180, Subpart C, § 180.1020 be revised by combining paragraphs (a) and (b) in one paragraph to exempt residues of sodium chlorate in or on corn grain, fodder, and forage and safflower seed from the requirement of a tolerance to read as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on chili peppers, corn fodder, corn forage, corn grain, cottonseed, grain sorghum, rice, rice straw, safflower seed, sorghum fodder, sorghum forage, soybeans, and sunflower seeds, when used as a defoliant, desiccant, or fungicide in accordance with good agricultural practice in the production of chili peppers, corn, cotton, rice, safflower seed, sorghum, soybeans, and sunflower seeds.

[FR Doc. 78-6755 Filed 3-15-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR PART 73]

[BC Docket No. 78-86; RM-3013]

FM BROADCAST STATION IN BELLOWS FALLS, VT.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first class A FM channel to Bellows Falls, Vt., as that community's first FM assignment. Petitioner, We Trust In Jesus Broadcasting, Inc., states the proposed station could provide Bellows Falls with a first local aural broadcast service.

DATES: Comments must be received on or before May 2, 1978, and reply comments on or before May 22, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Adopted: March 3, 1978.

Released: March 9, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, Bellows Falls, Vt., BC Docket No. 78-86; RM—3013, notice of proposed rulemaking.

1. *Petitioner, proposal, comments.* (a) Petition for rulemaking,[1] filed by We Trust In Jesus Broadcasting, Inc. ("petitioner"), proposing the assignment of channel 296A to Bellows Falls, Vt., as a first FM assignment to that community. No responses to the proposal were received.

(b) The channel can be assigned in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 3 kilometers (2 miles) northwest of Bellows Falls.

(c) Petitioner states it intends to apply for use of the channel on a nonprofit basis if the channel is assigned.

2. *Community data.*—(a) *Location.* Bellows Falls, in Windham County, is located approximately 32 kilometers (20 miles) north of Brattleboro, Vt., and about 16 kilometers (10 miles) south of Springfield, Vt.

(b) *Population.* Bellows Falls—3,505; Windham County—33,074.[2]

(c) *Local aural service.* Bellows Falls has no local aural broadcast service, but is served by a weekly newspaper.

3. *Economic data.* Petitioner claims that by 1975, Bellows Falls' population had increased to 4,812. It asserts that the community is the center of activity for northeastern Windham County. We are told that Bellows Falls has several manufacturing plants and that its business district and shopping center facilities are constantly expanding. Petitioner has submitted information with respect to Bellows Falls' local geography, school system, churches, recreation, transportation and civic organizations.

4. In view of the apparent need for a first local aural broadcast service in Bellows Falls, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the rules) as it pertains to Bellows Falls, Vt., as follows:

City and Channel No.
Bellows Falls, Vt.; Present: —; Proposed: 296A.

5. Authority to institute rulemaking proceedings; showings required; cutoff procedures; and filing requirements are set forth below and are incorporated herein.

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

[1] Public Notice of the petition was given on December 14, 1977, Report No. 1093.

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

6. Interested parties may file comments on or before May 2, 1978, and reply comments on or before May 22, 1978.

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

1. Pursuant to authority found in sections 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 this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this 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. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterporposals 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 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. 78-7039 Filed 3-15-78; 8:45 am]

[6712-01]

[47 CFR PART 73]

[BC Docket No. 78-92; RM-2979]

FM BROADCAST STATIONS IN RHINELANDER AND WAUSAU, WIS.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and order to show cause.

SUMMARY: Action taken herein proposes the reassignment of a class C FM channel from Rhinelander, Wis., to Wausau, Wis., and the substitution of a class C channel to Rhinelander. An order to show cause is directed to the licensee in Rhinelander to show why its license should not be modified to specify operation on the unoccupied class C channel already assigned to Rhinelander.

DATES: Comments must be filed on or before May 8, 1978, and reply comments on or before may 29, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Adopted: March 7, 1978.

Released: March 14, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, Rhinelander and Wausau, Wis., BC Docket No. 78-92, RM-2979, notice of proposed rulemaking and order to show cause.

1. The Commission has before it a petition for rulemaking,[1] filed June

[1] Public Notice of the petition was given on October 25, 1977, Report No. 2979.

15, 1977, by Seehafer & Johnson Broadcasting Corp. ("petitioner"), licensee of full-time AM Station WXCO, Wausau, Wis. The petition proposes the assignment of class C FM Channel 300 to Wausau, Wis. Since channel 300 is presently assigned to Rhinelander, Wis., and occupied by station WRHN(FM), petitioner requests that the licensee of station WRHN be directed to show cause why its license should not be modified to specify operation on channel 248 instead if its present channel. Channel 248 is already assigned to Rhinelander and an interest in its use has been expressed and petitioner notes the availability of another channel if needed. Petitioner states that this proposal is offered because there is no other class C channel which can be assigned to Wausau without necessitating changes elsewhere. In terms of this particular proposal, petitioner asserts that channel 300 could be used at Wausau in compliance with all spacing requirements if the transmitter site is located 18.5 kilometers (11.5 miles) east northeast of Wausau. It also suggests that if the Commission desires to retain two FM channels in Rhinelander, channel 291 could be assigned to Rhinelander.

2. Oppositions to the proposal were filed by Oneida Broadcasting Co. ("Oneida"), licensee of the station now on channel 300, by WYSS, Inc. ("WYSS"), licensee of AM Station WJJG, Tomahawk, Wis., and by the Rhinelander Broadcasting Corp. ("Rhinelander").

3. Wausau, Wis., is a city of 32,806 persons and is the largest city in Marathon County, (pop. 97,459),[2] of which it is the county seat. It is located 256 kilometers (160 miles) northwest of Milwaukee, Wis. There are three full-time AM stations (WRIG, WSAU, and WXCO), two commercial FM stations (WFIC, channel 238 and WDEZ, channel 270), and a noncommercial educational FM station (WHRM, channel 215) in Wausau.

4. Rhinelander, Wis. (pop. 8,218), seat of Oneida County (pop. 244,427), is located 80 kilometers (50 miles) north of Wausau. It has a full-time AM station (WOBT), a commercial FM station (WRHN, channel 300), and the previously mentioned vacant FM assignment, channel 248.

5. Petitioner states that Marathon County's population has increased 9.7 percent between 1960-70, and that the increase indicates the growing importance of the area and the desirability of another broadcast outlet for the varied activities in the area. It asserts that Wausau is the business and cultural center for north central Wisconsin, as well as the center of wholesale and retail trade for a wide area of Wisconsin. Petitioner states that there are 80 factories in the Wausau area and notes that the largest industries are paper making and metal working. In support of its proposal, petitioner submitted information with respect to education, civic organizations and form of government.

6. *Preclusions.* No additional preclusion would be caused as a result of the reassignment of channel 300 from Rhinelander to Wausau.

7. *Coverage.* Petitioner's *Roanoke Rapids/Anamosa* showing indicates that a first nighttime aural service would be provided to 312 persons in an area of 130 square kilometers (49 square miles) and a second nighttime aural service to 2,808 persons in an area of 850 square kilometers (323 square miles). The same figures would apply respectively to first and second FM service.

8. Oneida, in its opposition, states that it takes no position on whether Wausau needs a third FM broadcast facility, but it does make several requests in the event that channel 300 is to be reassigned to Wausau. It asks the Commission to establish (1) the time when it would be reimbursed for the cost incurred in changing channels, and (2) the precise costs which are subject to reimbursement. Oneida asserts that requiring it to modify its license before a permittee of the new Wausau channel is decided upon is unreasonable since it would have to pay the costs for the changeover without any assurance that it would obtain prompt reimbursement. Therefore, it requests that it be reimbursed for the actual cost of its expenses at the time it makes the change. Oneida further contends that, while the Commission has held that such items as legal, engineering, and equipment costs, printing, logs, stationery, advertising, etc., are appropriate for reimbursement, it has also held that lost revenues are not reimbursable. Oneida notes that the Commision has concluded that such losses are speculative and conjectural at best, but it believes that this position is unreasonable where it can show the extent of its losses.

9. WYSS, in its opposition, argues that the last class C channel available to sparsely served northern Wisconsin, should not be moved to Wausau, which already has five full-time stations. It claims that since there are already two class C channels on the air in Wausau, any new class C station could not be expected to serve any white or grey areas. It notes that in addition, petitioner has a full-time AM station, so in its view, there is no need for it to gain a second full-time service. WYSS states that petitioner has not demonstrated that a class A channel could not be used in lieu of a class C channel at Wausau but that if channel 300 is assigned to Wausau, WYSS would be willing to apply for it.

10. Rhinelander, in opposition, claims that it has been actively preparing an application for a construction permit to activate channel 248 at Rhinelander (the channel to which Station WHRN would change if the proposal were adopted). The Commission's records shown that channel 248 is still unapplied for. Rhinelander has submitted demographic data and a profile of the local economy which, it contends, indicates that the community of Rhinelander is both economically sound and rapidly growing area fully deserving of a third aural FM service.

11. Since an interest has been shown for the use of the now vacant assignment in Rhinelander, we need to consider making an additional assignment to accommodate this interest. We are proposing to assign channel 291, which could be used there in conformity with the minimum distance separation requirements if the transmitter site were to be located at least 16 kilometers (10 miles) west northwest of the community.

12. Since the utilization of channels 291 and 300 at Rhinelander and Wausau, respectively, requires the transmitter sites to be located some distance removed from the communities, petitioner should submit information regarding the availability of appropriate sites providing line-of-sight signal propagation paths to the communities. As supporting evidence, terrain profile graphs should be included.

13. The request for a third commercial FM assignment to Wausau (pop. 32,806) exeeds the Commission's FM population guidelines which call for one to two assignments for a city of its size. However, the proposal is being advanced for the purpose of determining whether such an assignment is warranted and whether the public interest would be served by the additional assignment. Petitioner is requested to substantiate its claim of Wausau's need for an additional assignment by offering data regarding anticipated population and economic growth in the area.

14. It is settled Commission policy, see *Circleville, Ohio,* 8 FCC 2d 159 (1967), that reimbursement for the reasonable costs in connection with a frequency change is the responsibility of the party who ultimately becomes the permitee or licensee of the proposed channel. Petitioner in this instance recognizes the requirement for reimbursement and has expressed its willingness to provide it if it obtains a permit for proposed channel 300 at Wausau. It has been Commission policy to request that parties negotiate in good faith to determine the

[2] Population figures are taken from the 1970 Census.

proper amount of reimbursement, subject to Commission approval in the event of disagreement. As for Oneida's concern about being assured of reimbursement before having to undertake expenses in converting to a new channel, Oneida would not be required to change its frequency until a construction permit is granted to a Wausau applicant for channel 300, if that proposal is adopted. As a result, we do not view this matter as an impediment to favorable action on the petition.

15. Accordingly, the Commission proposes to amend the FM Table of Assignments, §73.202(b) of the Commission's rules, with regard to the communities listed below:

City and Channel No.

Rhinelander, Wis.; Present: 248,300; Proposed: 248,291.
Wausau, Wis.; Present: 238,270; Proposed: 238,270,300.

16. *It is ordered,* That pursuant to section 316(a) of the Communications Act of 1934, as amended, Oneida Broadcasting Corp., the licensee of FM Station WRHN, Rhinelander, Wis., shall show cause why its license should not be modified to specify operation on channel 248 if the Commission determines that the public interest would best be served by adopting the proposed assignment.

17. Pursuant to §1.87 of the Commission's rules and regulations, the licensee of Station WRHN, may, not later than May 8, 1978, request that a hearing be held on the proposed modification. Pursuant to §1.87(f), if the right to request a hearing is waived, Oneida Broadcasting Corp., may, not later than May 8, 1978, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Oneida Broadcasting Corp. to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Oneida Broadcasting Co. is deemed to consent to the modification as proposed in the Order to Show Cause and a final order will be issued by the Commission if the channel changes referred to in paragraph 15 above are found to be in the public interest.

18. *It is further ordered,* That the Secretary of the Commission shall send a copy of this order by certified mail, return receipt requested, to Oneida Broadcasting Co., Box 738, Rhinelander, Wis. 54501, the party to whom the Order to Show Cause is directed.

19. Authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

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

20. Interested parties may file comments on or before May 8, 1978, and reply comments on or before May 29, 1978.

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

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 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 this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. 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. *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 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 this notice of proposed rulemaking. 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. 78-7038 Filed 3-15-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 93]

[CGD 77-162]

DAMAGE STABILITY STANDARDS FOR GREAT LAKES BULK DRY-CARGO VESSELS

Advance Notice of Proposed Rulemaking

AGENCY: Coast Guard, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard is considering developing damage stability standards for Great Lakes bulk dry cargo vessels. A review of major casualties on the Great Lakes indicates that the level of safety for Great Lakes vessels and crews would be significantly improved by adopting a damage stability standard that includes at least a minimum level of subdivision. The minimum standards should improve the capability of the vessels to withstand flooding caused by damage to the hull or damage to weathertight closures.

DATES: Comments must be received on or before May 17, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-162), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Copies of the Marine Board of Investigation report referred to in this document are available for examination at the above address.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, and identify this advance notice (CGD 77-162). All comments received before the expiration of the comment period will be considered before further action is taken.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Lt. (jg.) T. A. McKay, Project Manager, Office of Merchant Marine Safety, and Mr. E. J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION

The accidents on the Great Lakes in the past 20 years involving sinkings having the greatest loss of life have been the *Carl Bradley*, the *Daniel T. Morrell*, and the *Edmund Fitzgerald*. Each of these vessels sank within a very short time after structural failure or other failure leading to massive loss of buoyancy due to flooding.

The Marine Board of Investigation's report on the loss of the *Edmund Fitzgerald* (Report No. USCG 16732/64216, 26 July 1977) indicated that a damage stability standard that includes at least a minimum level of subdivision may have prevented the loss of the ship or at least slowed the sinking enough to allow the crew to safely abandon ship.

A minimum standard would also lessen the risk of a total stoppage or restriction of vessel traffic in a restricted channel due to the sinking of a vessel, such as occurred in 1972 when the *Sidney E. Smith, Jr.* sank in the St. Clair River. The increase in size of vessels seriously increases the risk that a collision or grounding might block a channel to all navigation. In areas where the vessel operates with small bottom clearance, the vessel might settle on the bottom even with watertight subdivision; but salvage would be much easier and any traffic blockage would usually be of shorter duration.

The minimum damage stability standard under consideration would require that vessels meet a one compartment standard of subdivision. For a one compartment standard, the longitudinal extent of either side or bottom damage would be restricted by definition to the area between any two adjacent transverse watertight bulkheads. Since a one compartment standard cannot be regarded as offering any specific degree of collision protection in way of transverse bulkheads, some form of two compartment standard may also be considered.

One portion of a standard could require that the vessel be able to survive the flooding of any single cargo hold, tank, or other space which has a hatch, vent, or other opening to the weather deck.

A second portion could require survival after bottom damage of a specified extent or side damage of a specified extent.

The standard could include an upper limit on the final angle of heel, and a lower limit on residual stability in the equilibrium condition.

Information that will assist the Coast Guard in addressing the following specific questions is requested:

(1) Is the one compartment standard technically feasible for new construction? Is a two compartment standard including extent of damage assumptions feasible? What would be the economic effects of each standard?

(2) What values should be used for depth of penetration, longitudinal and vertical; for side damage and bottom damage? What values should be used for final angle of heel and residual stability?

(3) Should any limitations on application of a structural standard be imposed based on the size of vessel or its service? Is there a lower limit to the size of vessel for which the standard would be feasible?

(4) Is it feasible to retrofit existing vessels to meet the standard? If not, are some alternate construction or operational changes feasible which would provide a similar increased level of safety over existing conditions or practice?

(5) If structural requirements are made applicable to existing vessels, and retrofit is necessary, what would be a reasonable phase-in period for the existing vessels to meet the requirements?

(6) If structural changes are required on existing vessels, how much shipyard time would be necessary to complete the work?

(7) Will there be any environmental impact caused by these proposed standards?

A research project has been initiated by the Maritime Administration to investigate the technical feasibility and the economic and safety impact of damage stability subdivision on large Great Lakes bulk dry cargo vessels. This will include a study of design alternatives to subdivision damage stability. This study is projected to be completed during 1978, and the results and recommendations will be considered by the Coast Guard in the development of any proposed regulations.

(R.S. 4405 (46 U.S.C. 375); R.S. 4462 (46 U.S.C. 416); Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

Dated: March 13, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 78-7037 Filed 3-15-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1-22; Notice 5]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Correction

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Correction of notice of proposed rulemaking.

SUMMARY: In a notice proposing an amendment to Federal Motor Vehicle Safety Standard No. 115, *Vehicle identification number*, published on January 16, 1978, an incorrect proposed effective date was given. This notice corrects that error.

DATES: The proposed effective date for vehicles other than passenger cars is September 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Frederic Schwartz, Jr., Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1834.

SUPPLEMENTARY INFORMATION: In the January 16, 1978, issue of the Federal Register (43 FR 2189), the National Highway Traffic Safety Administration published a Notice of Proposed Rulemaking which proposed amending Federal Motor Vehicle Safety Standard No. 115, *Vehicle identification number*. Through a clerical error, an incorrect proposed effective date was given for vehicles other than passenger cars. The correct proposed effective date for these vehicles is September 1, 1980. The proposed effective date of January 1, 1980, for passenger cars is correct.

The principal author of the document is Frederic Schwartz, Jr. of the Office of Chief Counsel.

(Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on March 9, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-6572 Filed 3-9-78; 3:28 pm]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6110-01]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON GRANTS, BENEFITS AND CONTRACTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Grants, Benefits and Contracts of the Administrative Conference of the United States, to be held at 9:30 a.m., Monday, April 10, 1978 in the library of the Administrative Conference, the Gelman Building, 2120 L Street N.W., Suite 500, Washington, D.C.

The Committee will meet to consider for the second time proposed recommendations stemming from the recently completed study of the Social Security Administration Hearings System, done for the Social Security Administration by the National Center for Administrative Justice under the direction of Professor Jerry L. Mashaw.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during of after the meeting.

For further information concerning this meeting contact Jeffrey Lubbers 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 9, 1978.

[FR Doc. 78-6775 Filed 3-15-78; 8:45 am]

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A579]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Louisiana Parishes as a result of drought April 24 through June 12, 1977, and excessive rainfall July 20 through September 1, 1977, in Allen Parish; and drought April 1 through September 4, 1977, in Concordia Parish:

Allen
Concordia

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR part 1904, subpart C, exhibit D, paragraph V B, including the recommendation of Governor Edwin W. Edwards that such designation be made.

Applications for emergency loans must be received by this Department no later than August 29, 1978, for physical losses and February 28, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 9th day of March 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-6851 Filed 3-15-78; 8:45 am]

[3410-07]

[Notice of Designation No. A578]

PENNSYLVANIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Bradford County, Pa., as a result of drought April 15 through June 14, 1977; excessive rainfall June 15, 1977, to January 17, 1978; an unseasonable snowstorm October 16, 1977; major snowstorms during the period January 14 through January 20, 1978; and heavy rains and high winds January 22 and 23, 1978, which resulted in ice jams and flooding January 24 through 27, 1978.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904, subpart C, exhibit D, paragraph V B, including the recommendation of Gov. Milton J. Shapp that such designation be made.

Applications for emergency loans must be received by this Department no later than August 29, 1978, for physical losses and February 28, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 9th day of March 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-6852 Filed 3-15-78; 8:45 am]

[3410-11]

Forest Service

LAND MANAGEMENT PLAN, STAR PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Management Plan-Star Planning Unit, Forest Service Report Number USDA-FS-R1(14)-DES-Adm-78-8.

The environmental statement concerns the proposed implementation of a revised Land Management Plan for the Star Planning Unit, Troy Ranger District, Kootenai National Forest, Lincoln County, Mont., and Boundary County, Idaho. About 27,274 acres of National Forest land are affected. The planning unit is divided into nine subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was transmitted to EPA on March 7, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th St. & Independence Avenue SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.
USDA, Forest Service Kootenai National Forest, P.O. Box AS, Libby, Mont. 59923.
USDA, Forest Service, Troy Ranger Station, Troy, Mont. 59935.

A limited number of single copies are available upon request to:

USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, Mont. 59923.
USDA, Forest Service, Troy Ranger Station, Troy, Mont. 59935.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the EPA guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Floyd J. Marita, Kootenai National Forest, P.O. Box AS, Libby, Mont. 59923.

Comments must be received by May 8, 1978, in order to be considered in the preparation of the final environmental statement.

JAMES E. REID,
Acting Regional Forester, Forest Service, Northern Region.

MARCH 7, 1978.

[FR Doc. 78-6857 Filed 3-15-78; 8:45 am]

[3410-16]

Soil Conservation Service

BEAVERDAM CREEK WATERSHED, SOUTH CAROLINA

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the one remaining floodwater retarding structure in the Beaverdam Creek Watershed, Anderson and Oconee Counties, S.C.

The environmental assessment of this federally assisted action indicates that completing the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George E. Huey, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project was planned in 1967 to reduce floodwater, sediment, and erosion damages. Agricultural Committees of Congress approved the project for installation in 1969. Three floodwater retarding structures and 3 miles of stream channel work have been completed, as well as the installation of numerous land treatment measures.

The planned action is to complete the final structural measure, which is a floodwater retarding structure to be located on Cleveland Creek.

The notice of intent to not prepare an environment impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by contacting Mr. George E. Huey, State Conservationist, Soil Conservation Service, One Greystone West, 240 Stoneridge Drive, Columbia, S.C. 29210; 803-765-5681. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until April 17, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566 (16 U.S.C. 1001-1008).)

Dated: March 2, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, Department of Agriculture.

[FR Doc. 78-6776 Filed 3-15-78; 8:45 am]

[3410-16]

CITY OF MONONGAHELA CRITICAL AREA TREATMENT RC&D MEASURE, PENNSYLVANIA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the city of Monongahela critical area treatment RC&D measure, Washington County, Pa.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include clearing brush (1 acre); construction of waterways (1.8 acres); three debris basins and one debris rack; and seeding vegetation and planting shrubs on approximately 4 acres.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pa. 17108, 717-782-2202. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until April 17, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703 (16 U.S.C. 590 a-f, q).)

Dated: March 7, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resource, Soil Conservation Service.

[FR Doc. 78-6780 Filed 3-15-78; 8:45 am]

[3410-16]

GOLDEN SANDS RC&D AREA, ROADSIDE EROSION CRITICAL AREA TREATMENT RC&D MEASURES, WISCONSIN

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service

guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Golden Sands RC&D area roadside erosion critical area treatment RC&D measures in Marathon, Wood, Portage, Jackson, Monroe, Juneau, Adams, Waupaca, Waushara, and Marquette Counties, Wis.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr J. C. Hytry, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these measures.

These measures concern plans for critical area treatment on roadsides. The planned works of improvement include erosion control practices such as critical area planting, grassed waterways, diversions, rock-lined waterways, fencing, and small grade stabilization structures.

The notice of intent not to prepare environmental impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. J. C. Hytry, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wis. 53711, 608-252-5341. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until April 17, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703 (16 U.S.C. 590 a-f, q).)

Dated: March 7, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-6778 Filed 3-15-78; 8:45 am]

[3410-16]

HARDY LAKE PUBLIC WATER-BASED FISH AND WILDLIFE RC&D MEASURE, INDIANA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hardy Lake public water-based fish and wildlife RC&D measure, Scott County, Ind.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the development of a 22-acre wildlife wetland area. The planned works of improvement include 2,950 feet of dike; 1,200 feet of diversion; one water control structure; and 22 acres of wildlife wetland management.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 812-752-3629. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until April 17, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703 (16 U.S.C. 590 a-f, q).)

Dated: March 7, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-6779 Filed 3-15-78; 8:45 am]

[3410-16]

Soil Conservation Service

RATTLESNAKE CREEK WATERSHED PROJECT, OHIO

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Rattlesnake Creek Watershed project, Clinton, Fayette, Green, and Madison Counties, Ohio.

The environmental assessment of this federally-assisted action indicates that the project may cause local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for flood damage reduction, agricultural water management, and environmental quality. The planned works of improvement include channel modification, drainage main and lateral improvement.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The SCS invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Robert E. Quilliam, State Conservationist, Soil Conservation Service, Federal Building, Room 522, 200 North High Street, Columbus, Ohio 43215; 614-469-6962.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: March 2, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-6781 Filed 3-15-78; 8:45 am]

[3410-16]

RIVER COUNTRY R.C. & D. AREA, ROADSIDE EROSION CRITICAL AREA TREATMENT R.C. & D. MEASURES, WISCONSIN

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the River Country R.C. & D. Area Roadside Erosion Critical Area Treatment R.C. & D. Measures in Polk, Barron, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, and St. Croix Counties, Wis.

The environmental assessment of these federally assisted actions indicates that the projects will not cause signficant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. J. C. Hytry, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these measures.

These measures concern plans for critical area treatment on roadsides. The planned works of improvement include erosion control practices such as critical area planting, grassed waterways, diversions, rock-lined waterways, fencing, and small grade stabilization structures.

The notice of intent not to prepare environmental impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. J. C. Hytry, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wis. 53711, 608-252-5341. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until April 17, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87,703 (16 U.S.C. 590a-f,q).)

Dated: March 7, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-6777 Filed 3-15-78; 8:45 am]

[3410-16]

SOUTH FORK OF LICKING RIVER WATERSHED PROJECT, OHIO

Intent to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the South Fork of Licking River Watershed Project, Licking, Fairfield, and Perry Counties, Ohio.

An assessment of this federally-assisted action indicates that the project may cause local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for flood damage reduction, recreation, and environmental quality. The planned works of improvement include floodwater retarding structures, channel modifications, recreational development, and critical area stabilization.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The SCS invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Robert E. Quilliam, State Conservationist, Soil Conservation Service, Federal Building, Room 522, 200 North High Street, Columbus, Ohio 43215; CML 614-469-6962.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: March 2, 1978.

JOSEPH W. HASS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-6782 Filed 3-15-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 28444]

CANADIAN WORLD WIDE LIVESTOCK FORWARDERS LTD. D.B.A. WORLD WIDE LIVESTOCK SERVICES, LTD.

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 11, 1978 at 10 a.m. (local time) in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Rudolf Sobernheim.

Requests for information and evidence and a proposed statement of issues shall be submitted by the Bureau of International Aviation on or before 27 March 1978. Objections thereto shall be filed no later than April 3, 1978.

Dated at Washington, D.C., March 10, 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-7047 Filed 3-15-78; 8:45 am]

[6320-01]

[Docket No. 31920; Order 78-3-39]

IBERIA, LINEAS AEREAS DE ESPANA, S.A.

Order Dismissing Complaint Regarding Proportional Fares For Construction of Transatlantic Advance—Purchase Excursion and Nonaffinity/Incentive Group Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of March 1978.

By tariff revisions filed January 6, 1978, for effectiveness February 20, 1978, Iberia, Lineas Aereas de Espana, S.A. (Iberia) proposes substantial increases, ranging up to 124 percent, in the "arbitraries" (proportional fares) between New York and other U.S. points used to construct through transatlantic advance-purchase excursion (APEX) and nonaffinity/incentive group fares between the United States and Spain.[1] Iberia states that the difference between the New York-interior point arbitrary paid by the passenger and the actual amount paid to U.S. domestic carriers as a prorate is absorbed by the transatlantic carrier; because of the low level of the APEX and nonaffinity/incentive group fares between the United States and Spain the margin of profit is very low on these fares; and to continue to absorb a part of the U.S. domestic fares would make these two fares commercially unsound for Iberia.

Grand Circle Travel, Inc. (Grand Circle), a travel agent and tour operator, has complained against the proposal and requests suspension pending investigation. It alleges that a large part of its U.S.-Spain traffic originates at cities other than New York, and Iberia has provided no economic justification for the significant fare increases these passengers would suffer; Iberia's proposed arbitraries are inconsistent and confusing;[2] the proposed arbitraries for some cities would exceed the domestic coach fare;[3] the proposed arbitraries would result in higher per-mile through fares at interior cities, discriminate against these points, and violate Board precedents in similar cases;[4] Iberia is attempting

[1]The fares are specified between New York and Madrid at $295 basic season and $345 peak season, round trip. The arbitraries are added to the specified New York fare to construct fares to/from interior U.S. points.

[2]For instance, Grand Circle states that Iberia would decrease the arbitrary for Hartford five percent while increasing other arbitraries up to 124 percent.

[3]The complainant mentions Clarksburg, W.Va.; Kalamazoo, Mich.; and Lake Charles, La.

[4]Grand circle cites Order 69-4-138, April 30, 1969, where the Board conditioned its approval of transatlantic IATA arbitraries for Philadelphia, Baltimore and Washington so the through fares would not exceed

Continued—

to make interior U.S.-originating passengers pay for the fact that the New York-Madrid super-APEX fare is established on a marginal cost basis; and at the same time it has reduced its commission for APEX sales from 27 percent (for over 500 bookings) to 12 percent (for up to 1,000 bookings) with a new maximum of 18 percent (for over 5,000 bookings).

In an answer, Iberia contends that at only one city (Kalamazoo) does its tariff contain an add-on fare higher than the domestic fare, and this was a typographical error which is being corrected; other carriers which introduced new, low transatlantic fares in recent months have either filed no arbitraries or have created special add-ons to offset the economic impact of such low fares;[5] the existing arbitraries for many North Atlantic fares show per-seat-mile discrepancies as wide as those alleged to exist in Iberia's proposal; to raise the New York-Spain super-APEX fares, as the complainant suggests, would directly contradict U.S. Government policy favoring a commitment to low fares and competition; and Grand Circle's mention of Iberia's reduced APEX commission schedule may be a significant factor in understanding Grand Circle's position.

The Board has decided to dismiss the complaint.

Despite the large increases proposed in some of Iberia's arbitraries, they would still be less than the domestic coach fare, and thus satisfy the general principle that through fares should not exceed the sum of the local sector fares.[6] The Board has evaluated IATA proportional fare agreements on this basis, and finds no reason to depart here from its previous practice.

The Board's previous orders cited by Grand Circle do not support its position. In Order 69-4-138, the Board required establishment of through fares between Philadelphia, Baltimore, and Washington and Europe at a per-mile rate equal to the New York level due to the position of those cities as international gateways with significant volumes of nonstop service to/from European points, and because they competed directly with New York for international travel due to their proximity. Similar considerations applied in Order 73-2-24 on North Atlantic cargo rates, where after an extensive investigation the Board found the existing rates between seven U.S. gateway cities and Europe unlawful. As opposed to those cases, which encompassed service to all European points from selected U.S. gateways, we are dealing here with only one European country—Spain—to which direct service is available only via New York, Boston, or Miami. As a practical matter, the most convenient service for the passenger from most interior points to Spain, in terms of time and available frequencies, is by connections at New York. In such circumstances, there is nothing objectional about constructing fares through the addition of proportional fares over New York, provided such proportionals do not exceed the local domestic fares.[7]

We acknowledge the public interest considerations inherent in Iberia's argument that, unless its pro rata absorption on these low fares is reduced, it may no longer be possible to offer them. The U.S.-Spain super-APEX and nonaffinity/incentive group fares are clearly priced on a marginal cost basis, the full benefits of which Grand Circle evidently argues should be extended to every interior U.S. point. But the relevant marginal costs are those of Iberia's direct New York-Spain and Miami-Spain operations, and do not extend to points without comparable service. The benefits of the reduced transatlantic fares are still available to any U.S.-originating passenger on the portions of his trip where the relevant cost savings occur and which made these low fares possible in the first place. For these reasons, and since Iberia's arbitraries still offer a discount from the otherwise applicable domestic fare, we cannot find the proposed increases unreasonable.

Accordingly, it is ordered, That the complaints of Grand Circle Travel, Inc. in Docket 31920 be dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[8]
Secretary.

[FR Doc. 78-7048 Filed 3-15-78; 8:45 am]

—Continued

corresponding New York-Europe fares per mile; and Order 73-2-24, February 6, 1973, which found the IATA North Atlantic cargo rates unjustly discriminatory and prejudicial to boston, Baltimore, Washington, Philadelphia, Cleveland, Chicago and Detroit. Grand Circle also cites Phase 4 (Joint Fares) of the "Domestic Passenger-Fare Investigation", Order 72-4-42, April 10, 1972.

[5] Iberia cites Laker's Skytrain fares, Pan American's and British Airways' standby fares, and the low 120-day excursion fares between the United States and the Indian subcontinent.

[6] Contrary to Grand Circle's allegations, Iberia's proposed arbitrary for Kalamazoo does not exceed the domestic coach fare, and Iberia's tariff does not even contain arbitraries for Clarksburg and Lake Charles.

[7] The cost savings attributable to single ticketing of interline passengers should, of course, be reflected.

[8] All Members concurred.

[6335-01]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA ADVISORY COMMITTEE

Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a fact-finding meeting of the California Advisory Committee (SAC) of the Commission originally scheduled for March 22, 23, 1978 (FR Doc. 78-5209) on page 8169 has been cancelled.

Dated at Washington, D.C., March 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-6992 Filed 3-15-78; 8:45 am]

[6335-01]

CALIFORNIA ADVISORY COMMITTEE

Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the California Advisory Committee (SAC) of the Commission originally scheduled for March 31, 1978 (FR Doc. 78-5210) on page 8169 has been cancelled.

Dated at Washington, D.C., March 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-6993 Filed 3-15-78; 8:45 am]

[6335-01]

CALIFORNIA ADVISORY COMMITTEE

Meeting Cancellation

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 briefing session of the California Advisory Committee (SAC) of the Commission originally scheduled for March 30, 1978, (FR Doc. 78-5208) on page 8169 has been cancelled.

Dated at Washington, D.C., March 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-6994 Filed 3-15-78; 8:45 am]

CALIFORNIA ADVISORY COMMITTEE

Meeting Cancellation

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

briefing session of the California Advisory Committee (SAC) of the Commission originally scheduled for March 21, 1978 (FR Doc. 78-5207) on page 8109 has been cancelled.

Dated at Washington, D.C., March 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-6995 Filed 3-15-78; 8:45 am]

[3510-07]

U.S. DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., appendix I, 1976), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on April 6, 1978, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Md.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from agricultural respondents; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers and users of agricultural statistics.

The Committee is composed of 21 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and two members from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4 p.m., is: (1) Introductory remarks by the Director of the Census Bureau; (2) budget and current legislation; (3) 1978 Census of Agriculture current status, including: (a) results of test, (b) mail list, and (c) foreign ownership; (4) publicity and public relations: (5) area sample plans; (6) farm definition; (7) review of content of follow-on surveys; and (8) Committee recommendations, action on recommendations of the October 18 meeting, and plans for future meetings.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Orvin L. Wilhite, Chief, Agriculture Division, Bureau of the Census, Room 3015, Federal Building 4, Suitland, Md. Mail address: Washington, D.C. 20233, telephone: 301-763-5230.

Dated: March 13, 1978.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

[FR Doc. 78-7041 Filed 3-15-78; 8:45 am]

[3510-25]

Foreign-Trade Zones Board

[Docket No. 2-78]

FOREIGN-TRADE ZONE—CLEVELAND, OHIO

Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Cleveland-Cuyahoga County Port Authority (the Port Authority) Cleveland, Ohio, a public agency of the State of Ohio, requesting authority to establish a general-purpose foreign-trade zone in the City of Cleveland within the Cleveland Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 9, 1978. The applicant is authorized to make this proposal under Section 4582.06 (F) of the Ohio Revised Code.

The proposal calls for the establishment of a general-purpose foreign-trade zone on a 14 acre parcel in the Cleveland Harbor area at Access Road and West 9th Street, Cleveland. The Port Authority owns the site and will operate the zone. At the outset, it plans to construct a 36,000 square foot warehouse type facility with an attached 8,000 square foot office building. The harbor site is served by rail and highway.

The application contains economic data and information concerning the need for providing zone services to various firms in the Cleveland area. Several firms have indicated their intention to use the zone for warehousing, assembly, light manufacturing, and distribution activities. These initial zone users are involved with ball and roller bearings, machine tools, stampings, hardware items, specialty cutting tools, and forgings.

In accordance with the Board's regulations an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of: Hugh J. Dolan, (Chairman), Office of the Secretary, U.S. Department of Commerce, 14th and E Streets, NW., Washington, D.C. 20230; Donald L. Cavanaugh, District Director, U.S. Customs Service, 55 Erieview Plaza (6th Floor, Plaza 9 Building), Cleveland, Ohio 44114; and Colonel Daniel D. Ludwig, District Engineer, U.S. Arny Engineer District Buffalo, 1776 Niagara Street, Buffalo, N.Y. 14207.

In connection with its investigation of the proposal, the Examiners Committee will hold a public hearing on April 26, 1978, beginning at 9:00 a.m., in the Reception Room, 31st Floor, Anthony Celebrezze Federal Building, 1240 East 9th Street, Cleveland, Ohio. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested persons or their representatives are invited to present their views at the hearing. Such persons should, by April 19, notify the Board's Executive Secretary, in writing at the address below, of their desire to be heard. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through May 26, 1978. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce District Office, 666 Euclid Avenue, Room 600, Cleveland, Ohio 44114.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Street, NW., Washington, D.C. 20230.

Dated: March 10, 1978.

JOHN J. DA PONTE, Jr.,
Executive Secretary.

[FR Doc. 78-6807 Filed 3-15-78; 8:45 am]

[3510-25]

APPLICATIONS FOR DUTY FREE ENTRY OF SCIENTIFIC ARTICLES

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific

value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, by April 5, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket number: 78-00035. Applicant: N.C. State University, Raleigh, N.C. 27607. Article: LPB-7 Time Domain Induced Polarization Receiver and an IPG-7/25W Transmitter and Accessory Kit. Manufacturer: Scintrex, Canada. Intended use of article: The article is intended to be used for educational purposes in the courses: GY 570 Exploration and Engineering Geophysics to teach theoretical backgrounds of various geophysical exploration methods and GY 571 Geophysical Field Course to provide practical field work to acquaint students with state-of-the-art geophysical techniques. Application received by Commissioner of Customs: February 17, 1978.

Docket number: 78-00138. Applicant: National Radio Astronomy Observatory, P.O. Box O, 1000 Bullock Blvd., Socorro, N.M. 87801. Article: Waveguide coupling components (268 each—Rigid Helix 20 mm waveguide, 101 each—Flexible sheathed helix 20 mm waveguide, 39 each—Waveguide Tapers, 53 each— Coupling Sleeves). Manufacturer: Fujijura Cable Works Ltd., Japan. Intended use of article: The articles will be used as part of the Very Large Array Radio Telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study sources of energy, origin, and evolution of the universe. Application received by Commissioner of Customs: February 17, 1978.

Docket number: 78-00139. Applicant: University of Rochester, 250 Rochester, 250 East River Road, Rochester, N.Y. 14623. Article: (2) 16 mm, (2) 30 mm, (2) 40 mm, (2) 64 mm, (9) 64mm and (6) 90 mm Phosphate Laser Rods. Manufacturer: Hoya Optics Corp., Japan. Intended use of article: The articles are components to a laser system being constructed for the use of scientists throughout the country to perform scientific experiments on the feasibility of generating energy via laser-induced thermonuclear fusion. The use of phosphate composition laser glass, will enable the laser system to generate the quality and quantity of laser light required by the national user's facility to investigate the potential of laser induced thermonuclear fusion for helping to solve this country's energy problems. Application received by Commissioner of Customs: February 17, 1978.

Docket number: 78-00140. Applicant: Columbia University, Department of Chemistry, Box 613, Havemeyer Hall, New York, N.Y. 10027. Article: PRA 1000 Pulsed Nanosecond Fluorometer System and Accessories. Manufacturer: Photochemical Research Associates Inc., Canada. Intended use of article: The article is intended to be used primarily in the study of fluorescence lifetime, rotation, diffusion, electron transfer and chemical reaction rates and other related phenomena. The experiments to be conducted include the following: investigation of the nanosecond and sub-nanosecond excited state kinetics of cyclic azo compounds, cyclic allenones, methylene methones, protein transfer involving delocalized negative ions, and quantum chain reactions. In addition, the kinetics of cell and biological membrane transportation will be investigated using fluorescent probes. The article will also be used in graduate courses to train students in kinetic techniques. Application received by Commissioner of Customs: February 17, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-6788 Filed 3-15-78; 8:45 am]

[3510-25]

APPLICATIONS FOR DUTY FREE ENTRY OF SCIENTIFIC ARTICLES

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, by April 4, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket number: 78-00122. Applicant: University of California, Facility for Advanced Instrumentation, Hutchinson Hall, Room 9, Davis, Calif. 95616. Article: LKB 2128-010/Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of plant, animal and fungal specimens. Investigations will include ultrastructural studies on normal and pathologic plant and animal tissues, developmental studies on cellular systems, cyto and histological studies, subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The article will also be used in a course in the techniques of transmission electron microscopy. This course will involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles. Application received by Commissioner of Customs: February 27, 1978.

Docket number: 78-00141. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: LKB 2128-010/Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of nerve tissue which have been embedded in hardened epoxy resins and sectioned. Investigations will include ultrastructural studies on damaged nerve tissue, studies on individual organelles in cells and tissues, and subcellular changes induced by changes in biochemical and physical environments. Application received by Commissioner of Customs: February 27, 1978.

Docket number: 78-00142. Applicant: Columbia University, 630 West 168th Street, New York, N.Y. 10032. Article: Electron Microscope, Model JEM 100C with Side Entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the ultrastructure of biological cells and tissues. This includes the analysis of ova, sperm, and a variety of neuroendocrine tissues. In addition, the article will be used for the identification of receptors for a variety of hormones by the application of electron dense markers. The experiments to be conducted will include the following: (1) Studies of the mechanisms controlling the primate menstrual cycle with emphasis on brain pituitary ovarian hormonal interrelationships.

(2) The definition of the development of the gonadotropic access in long-term organotypic cultures of newborn rodent hypothalamic preoptic areas.

(3) Characterization and functional organization of neurosecretory pathways.

(4) Studies of biochemistry, endocrinology and genetics of mammalian germ cell production.

(5) Studies of the metabolic aspects and biochemical kinetics of spermatogenesis and the chemistry of sperm motility.

(6) The examination of the structural biochemistry, spermatozoa with emphasis on the role of cystine rich cross-linked protein structures.

(7) Work on the central nervous system with localization of ovarian gonadotropin receptors.

(8) Investigations on the biosynthetic pathways of steroid synthesis.

Application received by Commissioner of Customs: January 27, 1978.

Docket No. 78-00145. Applicant: University of Wisconsin, Nuclear Engineering Department, 1500 Johnson Drive, Madison, Wis. 53706. Article: Microwave Reflex Klystron. Manufacturer: Varian Associates of Canada, Canada. Intended use of article: The article is intended to be used as a signal source in an interferometer system which provides a measure of the time evolution of the plasma density. Experiments will include magnetic confinement characteristics in the presence of different stabilizing mechanisms i.e., density variations caused by application of auxiliary heating and trapping schemes and with different fueling mechanisms. The article will also be used on a machine in which graduate students in Nuclear Engineering, Physics, and Electrical Engineering will receive Ph.D. degrees. Application received by Commissioner of Customs: February 27, 1978.

Docket No. 78-00146. Applicant: Northeastern Ohio Universities College of Medicine, Route 44, Rootstown, Ohio 44272. Article: Electron Microscope, JEM 100S with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of ultrastructure of a wide variety of biological materials including large numbers of brain tissue specimens. Experiments to be conducted will involve characterization of tissues and cells, their function and response to injury, especially nervous tissue. In addition, the article will be used for graduate student instruction in ultratechnique, for instruction of medical students in the areas of microscopic anatomy and general pathology, and for preparation of instructional materials for use in courses in microscopic anatomy, general pathology, neurobiology, microbiology, and related research seminars. Application received by Commissioner of Customs: February 27, 1978.

Docket No. 78-00147. Applicant: Southwest Research Institute, 6220 Culebra Road, San Antonio, Tex. 78284. Article: Electron Microscope, Model EM 301 with Goniometer Stage and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for research on the behavior of metals and alloys. The research program includes a 3-year study directed at an understanding of the reasons for drastic acceleration of fatigue crack growth with interspersed dwells in beta-forged titanium hub and disk materials used in military gas turbine engines. A second program for which the article will be used is a study of metallurgical damage (cavitation) at grain boundaries in low alloy steam turbine rotor steels induced by creep-fatigue loading at elevated temperature. The presence or absence of cavitation, its distribution, and its relationship to grain boundary phases and external loading conditions will be evaluated. Application received by Commissioner of Customs: February 27, 1978.

Docket No. 78-00148. Applicant: Department of Health, Education, and Welfare, NIH-NHLBI, Bethesda, Md. 20014. Article: LKB 2128-010/Ultrotome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of heart and lung tissues from patients and experimental animals. Investigations will include ultrastructural studies on normal and pathologic human and animal tissues, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, and subcellular changes induced in various types of cardiac and pulmonary cells by disease states. Application received by Commissioner of Customs: February 27, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-6789 Filed 3-15-78; 8:45 am]

[3510-25]

Industry and Trade Administration

[Order No. 44-1; D.O.O. Reference 10-3, 40-1]

BUREAU OF DOMESTIC BUSINESS DEVELOPMENT

Statement of Organization, and Functions and Delegations of Authority

SECTION 1. *Purpose.* This order delegates authority to the Deputy Assistant Secretary for Domestic Business Development and prescribes the organization and assignment of functions within the Bureau of Domestic Business Development.

SEC. 2. *Delegations of authority.* .01 Pursuant to Section 4.03 of Department Organization Order 10-3 of December 4, 1977, the following authorities delegated to the Assistant Secretary for Industry and Trade by the Secretary of Commerce are hereby delegated to the Deputy Assistant Secretary for Domestic Business Development.

a. Such provisions of the Act of February 14, 1903 (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the domestic commerce of the United States, as are necessary to the performance of the Bureau's functions;

b. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regualtions pertaining thereto under Section 501(2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

c. Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, regarding Textile Trade Agreements;

d. Section 5(b) and 5(c) of Executive Order 11846 of March 27, 1975 relating to quantitative import restrictions and the monitoring of imports under orderly market agreements;

e. Section 6 of the Federal Water Pollution Control Act amendments of 1972 (Pub. L. 92-500; 86 Stat. 816; 33 U.S.C. 1251 nt.) relating to the preparation of a report from the Secretary of Commerce to the President and to the Congress on the effects of water pollution on international trade;

f. Sections 5001 (2), (3) and (4) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6951) (2), (3) and (4), as it relates to the authority of the Secretary of Commerce to encourage greater commercialization of proven resource recovery technology through (1) the stimulation of development of markets for recovered materials; (2) promotion of proven technology; and (3) the establishment of a forum for the exchange of technical and economic data relating to resource recovery facilities, with the cooperation and consultation of the Assistant Secretary for Science and Technology, as required;

g. Section 5003 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6953) as it relates to the authority of the Secretary of Commerce to: (1) Identify the geographical location of existing and potential markets for recovered materials, with the coopera-

tion and consultation of the Director of the Bureau of Census and the Chief Economist as required; (2) in cooperation and consultation with the Chief Economist identify the economic and technical barriers to the use of recovered materials; and (3) encourage the development of new uses for recovered materials, with the cooperation and consultation of the Assistant Secretary for Science and Technology as required;

h. Section 5004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6954) as it relates to the authority of the Secretary of Commerce to evaluate the commercial feasibility of resource recovery facilities, to publish the results of such evaluations, and to develop a data base on such systems;

i. Other authorities of the Assistant Secretary applicable to performing the functions assigned in this Order.

02. The Deputy Assistant Secretary for Domestic Business Development may redelegate authorities listed in Section 2.01 to any employee of the Bureau of Domestic Business Development or to any other appropriate officer or agency of the Government subject to such conditions in the exercise of such authorities as he may prescribe.

SEC. 3. *Organization structure and line of authority.* .01 The organization structure and line of authority of the Bureau of Domestic Business Development (the "Bureau") shall be as depicted in the attached organization chart.

.02 The Bureau shall be headed by the Deputy Assistant Secretary for Domestic Business Development who shall be the Director and shall report and be responsible to the Assistant Secretary for Industry and Trade. The Deputy Assistant Secretary shall be assisted by a "Deputy Director," who shall perform the functions of the Deputy Assistant Secretary in the latter's absence.

.03 The Deputy Assistant Secretary shall direct the following organizational components:

Office of the Deputy Assistant Secretary
Office of Business Programs
Office of Ombudsman
Office of Textiles
Office of Business Policy Analysis
Office of Basic Industries
Office of Producer Goods
Office of Consumer Goods and Service Industries.

SEC. 4. *Office of the Deputy Assistant Secretary.* .01 The "Deputy Assistant Secretary for Domestic Business Development" shall direct the Bureau and shall assist and advise the Assistant Secretary for Industry and Trade on development and implementation of domestic business programs; participate in negotiations of international and bilateral industry agreements and provide support for negotiations; serve as the Chairman of the Committee for the Implementation of Textile Agreements; serve as the focal point for business assistance, consultation, and advice; develop and implement policies and programs for business expansion and development and industrial recovery and serve as a focal point for bringing together available Commerce and other Federal resources to assist in this effort; conduct a comprehensive program of industrial analysis and services; provide the Federal Government lead representation in the OECD Industry Committee and its subcommittees and working groups; participate in other international industry forums; and serve as the focus for scientific and technical matters, including liaison and joint project arrangements with the Assistant Secretary for Science and Technology with respect to Bureau projects.

SEC. 5. *Office of Business Programs.* .01 The "Office of the Director" includes the Director who shall direct the Office and shall be the principal advisor to the Deputy Assistant Secretary for Business Development on the development, implementation and conduct of programs to foster and promote domestic industry and domestic economic growth and stability. The Director shall direct the following Divisions:

.02 The "Analysis and Evaluation Division" shall conduct quantitative analyses and evaluations of business activity as required to support the ongoing projects and programs within the Office and assist in the selection and design of new programs under consideration at the Office and Bureau levels. The Division shall select existing analytical methods or develop new methods as required; organize and utilize appropriate data bases and either apply these in support of projects in the other divisions or supply the other divisions with assistance in their application; provide analytical and data support for researching those business-related problem areas for which new business programs are potentially beneficial; supply analytical support for preliminary planning of a variety of candidate programs from which a few will be selected for implementation; develop and apply techniques for evaluation of candidate programs; and assist in evaluating ongoing programs and develop and apply criteria and analytical techniques to determine whether programs should be redirected, expanded or curtailed. The Division shall regularly review the latest developments in the application of such complex analytical methods as input/output models and linear programming to business related problems; together with regular review of business related data as generated within the Bureau and other Government agencies, assure that the most appropriate analytical techniques and data be applied to business programs and develop new data and methods only when necessary for application to business programs; and assist in obtaining contract support for business programs by preparing requests for proposals and by monitoring contractor work as it progresses.

.03 The "Import Programs Division" shall monitor, collect and analyze information and data pertaining to international trade in industrial products including steel, consumer electronic products, footwear, and automobiles; produce market impact studies, product trade pattern analyses, penetration studies and special purpose reports on industrial products; contribute to the interagency consideration of these problems, the formulation of policy and program recommendations for action, the preparation for bilateral and multilateral consultations and negotiations; and administer appropriate Orderly Marketing Agreements involving industries experiencing difficulties from import competition.

.04 The "Technical Assistance and Special Projects Division" will conduct special projects of the Bureau which may be one-time activities or time-limited programs requiring the use of task forces such as Product Liability or the existing Footwear Industry Team. The Division shall have a coordinator to provide a continuing resource capability on such activities. Each task force shall have a staff director who shall report to the Office Director and, as appropriate, the Deputy Assistant Secretary. The Division shall develop and implement policies and programs in the area of domestic industrial recovery, coordinating and directing ITA's role in the application of the expertise, authority, and funding of other elements of the Department of Commerce (e.g., EDA, Assistant Secretary for Science and Technology); act as ITA's focal point for the development of policies, approaches, and programs to apply existing Federal funds and program initiatives to make business expansion and development an integral part of regional and area recovery; act as the Departmental catalyst to bring the right mix of Commerce, and, as appropriate, other Federal resources together to complement programs which provide State, regional and local governmental entities with funding for large scale construction projects in support of business expansion and development; develop, plan, and implement, in coordination with the Office of Regional Affairs and Program Coordination and ITA District Offices, business awareness and promotion policies and

[1] Filed as part of the original document.

programs and promotion of new industrial opportunities (e.g., resource recovery and materials reuse); and use relevant feedback to develop and coordinate appropriate Governmental policies and initiatives at the Federal level.

SEC. 6. *Office of Ombudsman.* 01 The "Office of the Director" includes the Director who shall direct the Office and serve as the Ombudsman. The Office of the Director shall provide liaison with the Bureau of Field Operations in developing domestic business programs. In carrying out its functions, the Office shall not represent, intervene on behalf of or otherwise seek to assist business and individuals on specific matters, cases or issues before Federal regulatory agencies or before Federal Departments exercising a regulatory function with respect thereto; nor shall it participate in, intervene in regard to, or in any way seek to influence, the negotiation or renegotiation of the terms of contracts between business and the Government. The Director shall direct the following Divisions:

.02. The "Business Assistance Division" shall be the Bureau's focal point for gathering information and drafting replies to inquiries from business, the Congress, the White House and other agencies of Government; identify trends in inquiries of critical problems affecting individual industries or particular commodities and take actions to give aid or to correct the problem or call it to the attention of the proper Government organization for action; and provide automated word processing support to Bureau programs.

.03 The "Business Relations Division" shall be responsible for a communications program with the business community, working directly and through the ITA District Offices; gather information and prepare and disseminate situation reports to aid the business community by addressing single subjects or issues; edit and, with the Office of Public Affairs, coordinate printing and distribution of the U.S. Industrial Outlook and other Bureau publications; promote the Bureau's and Department's services and otherwise serve the business community by arranging and conducting meetings, seminars, and briefings across the country on selected domestic commerce issues and topics; and arrange industry briefings by businesspersons for Departmental staff and arrange meetings between businesspersons and officials of Government agencies.

SEC. 7. *Office of Textiles.* .01 The "Office of the Director" includes the Director who shall direct the Office. The Director or his designees shall participate in the negotiation of multilateral and bilateral textile agreements; oversee studies and analyses of the fiber, textile and apparel sector of the industrial economy; prepare interpretive data on trends affecting the sector's economic stability and recommend appropriate Government action to improve the economic position of the sector and; coordinate interagency relations, legislative comment and liaison with relevant industry and trade groups. The Director will ensure that the Office provides appropriate administrative support to the Committee for the Implementation of Textile Agreements, the special working groups for textile trade policy, the Management-Labor Textile Advisory Committee, the Importers' Textile Advisory Committee and the Exporters' Textile Advisory Committee. Functions of the Office shall include the review of and input to economic impact studies and liaison with industries affected by the Flammable Fabrics Act as amended in 1967 and standards resulting from the Act. The Director shall direct the following Divisions:

.02 The "Market Analysis Division" shall develop data and analyses descriptive of conditions in the textile and apparel market and on the impact of imports on these markets; develop economic analyses necessary for the negotiation and administration of textile agreements; analyze legislative proposals to determine the potential effect on the textile and apparel industries; provide liaison with industry and other Government agencies to provide, collect and exchange information; and promote U.S. textile and apparel exports including preparation and publication of studies on factors impeding the expansion of U.S. textile exports.

.03 The "Trade Analysis Division" shall provide statistical compilations necessary for the negotiation and administration of international textile arrangements; maintain liaison with other agencies to ensure that import trade data are accurately recorded; develop and maintain import and export classifications and reporting procedures; provide necessary technical assistance to negotiating teams, other Government agencies and foreign governments; review legislative proposals, particularly tariff schedules proposals; and prepare regular and special statistical and trade reports.

.04 The "Implementation Division" shall monitor bilateral textile agreements; coordinate market and import analyses to identify problems relating to implementation of agreements and propose and implement solutions; provide staff support and technical assistance in the drafting of agreements; and prepare performance and special reports on textile imports.

SEC. 8. *Office of Business Policy Analysis.* .01 The "Office of the Director" includes the "Director" who shall direct the Office and shall be a principal advisor to the Deputy Assistant Secretary on legislation and policy matters which have broad industry impact or involve broad sectors of business activity. The Director shall direct the following Divisions:

.02 The "Business-Government Issues Division" shall review proposed legislation on business-related issues and develop policy positions on such matters; based on current major economic issues, it shall research and develop Department legislative initiatives; prepare and coordinate within the Bureau the preparation of responses to legislative inquiries, and coordinate its activities with the Office of the General Counsel. The Division shall analyze Federal policies and industry practices, concerning such issues as labor-management relations, conditions of work, employee benefits, and labor law and practices which affect industrial efficiency, and develop such policy options as will promote optimum utilization of human resources; and provide staff support to the Deputy Assistant Secretary on matters concerning the International Labor Organization and related activities. The Division shall coordinate activities, perform representational functions, and prepare analyses pertaining to the Industry Committee of the Organization for Economic Cooperation and Development (OECD), other committees of the OECD, and other international organizations considering matters related to industrial policy.

.03 The "Industrial Regulatory Analysis Division" shall conduct studies and analyses, including estimates of the probable costs and public benefits of various alternatives, in order to ensure a balanced and informed approach to dealing with the Nation's regulatory environmental problems, particularly as they affect business and economic activity. Areas of concern include industrial pollution problems, occupational safety and health, and the development and use of land, water, air, and marine resources, including energy/resource development and utilization. The Division shall provide economic and technological assessments of legisltive and regulatory proposals and evaluate specific industry impacts as appropriate; participate in the development of Department legislative initiatives in the environmental area; provide technical assistance for environmental assessments; prepare annual reports to the Congress on the effects of pollution abatement costs on the international comparative advantage of U.S. industries; maintain an industrial water use data base and develop and apply methodologies to analyze impact on industrial water demands of institutional and resource constraints for coordinated Federal/State/local planning and development

of water and related land resources; fulfill its Departmental assigned responsibility to serve as claimant to the Department of the Interior for industrial water requirements under Executive Order 11490; provide market information to meet materials and equipment requirements for water resources projects; and maintain liaison with engineers and equipment manufacturers on international problems and projects.

SEC. 10. *Office of Basic Industries.* .01 The "Office of the Director" includes the Director who shall direct the execution of policies and programs of the Office and shall be the principal assistant and policy advisory to the Deputy Assistant Secretary on commodity/industry activities within his purview that are essential to American economic growth and stability. The Director shall direct the following Divisions:

a. Construction and Building Materials Division.
b. Forest Products, Packaging and Printing Division.
c. Materials Division.

SEC. 11. *Office of Producer Goods.* .01 The "Office of the Director" includes the "Director" who shall direct the Office and shall be the principal assistant and policy advisor to the Deputy Assistant Secretary for Domestic Business Development on commodity/industry activities within his purview that are essential to American economic growth and stability. The Director shall direct the following Divisions:

a. Scientific and Electronics Division.
b. Transportation and Capital Equipment Division.

SEC. 12. *Office of Consumer Goods and Service Industries.* .01 The "Office of the Director" includes the "Director" who shall direct the Office and shall be the principal assistant and policy advisor to the Deputy Assistant Secretary for Domestic Business Development on commodity/industry activities within his purview that are essential to American economic growth and stability. The Director shall direct the following organizational components:

a. Consumer Goods Division.
b. Service Industries Division.

SEC. 13. *Office of Basic Industries, Office of Producer Goods, and Office of Consumer Goods and Service Industries.* .01 Each division within these Offices shall for the industries under their cognizance collect, analyze, and disseminate information and data on production, capacity, consumption, inventories, price developments, markets, distribution, sources of supply, the business implications of technological developments and financial structure; analyze trends in the economy as they affect industries, products and services; prepare analytical and statistical reports for use of business and industry and perform specific commodity/industry economic impact analyses and studies, including short and long term outlooks; identify and make proposals in regard to statistical data needs involving federal data collection programs; identify and monitor short supply situations as required by the Export Admninistration Act of 1969, as amended; provide policy support for the Federal Government through analysis of industrial trends and problems; analyze and review the impact of existing and proposed legislation, regulations, standards and controls upon specific industries and recommend measures to revise and improve them in the best interest of the Nation; provide staff assistance including coordination and review of loan proposals, and supply industrial information to officials of the Department designated to carry out responsibilities in connection with commissions and with national and international organizations (e.g., Wage and Price Stability Council, General Services Administration/Office of Preparedness, organization for Economic Cooperation and Development (OECD), World Bank, United Nations, Export-Import Bank, Inter-American Development Bank); provide support for activities pertaining to special industry committees of the Organization for Economic Cooperation and Development (OECD); perform for the Office of Industrial Mobilization, industrial preparedness and post-attack capability studies, Industry Evaluation Board studies, stockpile analyses, and special expediting assistance for defense production; participate in National Defense Executive Reserve activities; conduct research on marketing practices, methods, structure, costs and facilities and disseminate the findings to Government, consumers and business; assemble and disseminate marketing data for use by business and Government; assist in the development of a comprehensive data and information base on the supply and consumption of energy in U.S. industry; provide energy-related industry expertise and analysis to other Bureau and Departmental units and the Department of Energy; assist the Office of Business Policy Analysis in preparation of Departmental responses to proposed EPA guidelines and standards for individual industries; and advise and guide the Bureau on industrial and commodity classifications, domestic and international.

.02 In addition to those functions set forth above, the "Transportation and Capital Equipment Division," Office of Producer Goods, shall provide staff assistance to officials designated to carry out the Department's responsibilities for implementing the Agreement concerning Automotive Products between the Government of the United States and Government of Canada, including annual and special reporting requirements; recommend certification of qualified applicants as "bona fide motor-vehicle manufacturers;" and maintain and prepare for publication from time to time, lists of bona fide motor-vehicle manufacturers under the provisions of the Automotive Products Trade Act of 1965.

SEC. 13. *Administrative, Public Affairs, and Field Support.* .01 Management, budget, personnel, travel and administrative services, and public affairs and information services for the Bureau will be provided by Offices reporting to the Deputy Assistant Secretary for Administrative and Legislative Policy.

.02 Field support necessary to bureau activities will be provided by the Bureau of Field Operations.

RANK A. WEIL,
Assistant Secretary for Industry and Trade.

ROBERT E. SHEPHERD,
Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-6786 Filed 3-15-78; 8:45 am]

[3510-25]

CONSOLIDATED DECISION ON APPLICATIONS FOR DUTY-FREE ENTRY OF SCIENTIFIC ARTICLES

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the

notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 77-00008. Applicant: U.S. Department of Agriculture, ARS-Western Regional Research Center, 800 Buchanan Street, Albany, Calif. 94710. Article: Mass Spectrometer, Model MM 70/70 F. Date of denial without prejudice to resubmission: October 14, 1977.

Docket No. 77-00211. Applicant: University of Miami (Rosenstiel School of Marine and Atmospheric Science), 4600 Rickenbacker Causeway, Miami, Fla. 33149. Article: Deep Sea Reversing Thermometer. Date of denial without prejudice to resubmission: October 14, 1977.

Docket No. 77-00212. Applicant: NASA/Headquarters, Contracts Division, Code JHC-4, Washington, D.C. 20546. Article: Six (6) Ultrasonic Flowmeters and Associated Electronics and Spares. Date of denial without prejudice to resubmission: October 14, 1977.

Docket No. 77-00244. Applicant: U.S. Department of Agriculture-Agricultural Research Service, 359 Main Road, Box 365, Delaware, Ohio 43015. Article: Scanning Electron Microscope, Model S-500 and Dual Magnification Module, Model DMS-11. Date of denial without prejudice to resubmission: October 14, 1977.

Docket No. 77-00262. Applicant: Sandia Laboratories, Kirtland A.F.B., East Albuquerque, N. Mex. 87115. Article: Gage Measuring Instrument. Date of denial without prejudice to resubmission: October 18, 1977.

Docket No. 77-00263. Applicant: U.S. Department of Commerce/NOAA/NOS National Geodetic Survey, 6001 Executive Boulevard, Rockville, Md. 20852. Article: (4) Four each Signal Mast 27.5mm, Red-Yellow, including guying equipment and accessories. Date of denial without prejudice to resubmission: October 14, 1977.

Docket No. 77-00270. Applicant: University of Alabama Hospitals and Clinics Department of Pathology, Division of Surgical Pathology, 619 South 19th Street, Birmingham, Ala. 35233. Article: Electron Microscope, Model EM 201 and Accessories. Date of denial without prejudice to resubmission: October 14, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-6787 Filed 3-15-78; 8:45 am]

EXPORT MONITORING REPORT FOR COAL AND COKE OF COAL

Week Ending February 3, 1978

Total bituminous coal exports for this week were 251,327 short tons compared with 262,585 short tons exported the preceding week and a weekly average of 195,000 short tons for the preceding five weeks. Reported high and low export levels during the period were 311, 331 and 97,800 short tons, respectively. Reported contract data indicates that with adequate supplies of coal available, exports for the week ending February 3 would have been approximately 519,658 short tons.

All coal exports for the week were of metallurgical grades. The average reported export price for this coal was $52.56 per short ton, with a high of $68.95 and a low of $49.20 per short ton. No price trend is noted from these data since average weekly prices for the past five weeks have been within a range of $48.94 to $57.60 per short ton.

Exports of coke manufactured from coal for this week were 3,998 short tons compared with 30,634 short tons exported the preceding week. During the last several weeks, reported coke exports have fluctuated between a low of 2,834 short tons and last week's high of 30,634 short tons, apparently reflecting both variations in the level of export contracts and the erratic pattern of export loadings.

The average price of coke exports for this week was $126.00 per short ton, with a high and low price of $142.79 and $122.00 per short ton, respectively. This is in line with prices reported for prior weeks, for the average price of this product—when not reduced by low value breeze coke exports—has varied between $123.14 and $132.32 per short ton since the start of the export monitoring program.

Domestic coal production for the week was 5,440,000 short tons compared with 4,970,000 short tons produced during the preceding week. Total coal consumption was estimated to be 11,700,000 short tons, a slight decrease from the 12,078,000 short tons consumed last week. Total coal inventories continued to decrease this week with reported end-of-week stocks at 113,898,000 short tons, a decrease of 7,679,000 short tons from the preceding week. No change in domestic coal prices was noted from those reported for the preceding week. In subsequent weeks, however, coal shortages may encourage active bidding for the limited available stocks of coal, forcing an upward movement in spot sales prices.

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

FEBRUARY 3, 1978.

TABLE 1.—*U.S. exports of bituminous coal and coke of coal (in short tons)*

[For week ending Feb. 3, 1978]

Commodity	Exports						
	Weekly average			Week ending			
	December 1975	December 1976	November 1977	Dec. 9, 1977	Dec. 16, 1977	Dec. 23, 1977	Dec. 30, 1977
Low volatile metallurgical coal [1]	NA	NA	***133,877	199,136	96,895	(*)	(*)
Medium volatile metallurgical coal [2]	NA	NA	NA	283,420	118,632	(*)	(*)
High volatile metallurgical coal [3]	NA	NA	NA	47,055	176,827	(*)	(*)
Total metallurgical coal	NA	NA	889,125	*550,459	**436,605	521,109	128,822
Other bituminous coal	NA	NA	158,326	129,424	351,669	59,500	.....
Total bituminous coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of coal	16,646	7,287	33,179	3,992	9,624	2,843	3,922

Commodity	Average		Week ending				February 1976 weekly average	February 1977 weekly average	Week ending Feb. 3, 1978
	January 1976	January 1977	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978			
Low volatile metallurgical coal [1]	NA	NA	(*)	(*)	(*)	(*)	NA	NA	(*)
Medium volatile metallurgical coal [2]	NA	NA	(*)	(*)	(*)	(*)	NA	NA	(*)
High volatile metallurgical coal [3]	NA	NA	(*)	(*)	(*)	(*)	NA	NA	(*)
Total metallurgical coal	NA	NA	174,709	311,331	97,800	262,585	NA	NA	251,327
Other bituminous coal	NA	NA	.....	.....	.....	.....	NA	NA	.....
Total bituminous coal	834,857	483,938	174,709	311,331	97,800	262,585	736,138	769,840	251,327
Coke of coal	12,326	20,514	4,466	5,062	29,143	30,634	22,185	12,805	3,998

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Sec. 7(c) of the Export Administration Act of 1969, as amended.
* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility.
** Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
*** Partial, in content tons.
NA—Not Available.

Sources: Office of Export Administration, and Bureau of the Census.

TABLE 2.—*Contracts for export of bituminous coal and coke of coal, in short tons*

[For week ending Feb. 3, 1978]

Commodity	Contracts							
	Week ending						Next 6 weeks	Total for 12 weeks
	Feb. 10, 1978	Feb. 17, 1978	Feb. 24, 1978	Mar. 3, 1978	Mar. 10, 1978	Mar. 17, 1978		
Low volatile metallurgical coal [1]	119,977	85,577	79,977	102,977	120,587	84,216	961,208	1,554,519
Medium volatile metallurgical coal [2]	196,948	259,163	281,596	167,150	233,850	255,450	2,370,176	3,764,333
High volatile metallurgical coal [3]	26,075	50,010	98,710	36,710	36,710	36,710	293,603	578,528
Total metallurgical coal	343,000	394,750	460,283	306,837	391,147	376,376	3,624,987	5,897,380
Other bituminous coal	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Coke of coal	66,277	28,337	3,082	2,872	1,867	1,887	37,022	141,344

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
[5] Data withheld to avoid disclosure of data withheld above. See footnote 4.

Sources: Office of Export Administration and Bureau of the Census.

TABLE 3.—*U.S. exports by commodity and area of destination, in short tons*

[For week ending Feb. 3, 1978]

Commodity and area of destination	Exports					
	Weekly average			Week ending		
	December 1975	December 1976	November 1977	Dec. 9, 1977	Dec. 16, 1977	Dec. 23, 1977
Low volatile metallurgical coal: [1]						
Asia			7,458	111,525	24,808	(*)
Europe			43,463	40,893	69,440	(*)
Western hemisphere			82,956	46,718	2,647	(*)
Total	NA	NA	**133,877	199,136	96,895	(*)
Medium volatile metallurgical coal: [2]						
Asia				102,906	93,291	(*)
Europe				173,711	15,958	(*)
Western hemisphere				6,803	9,383	(*)
Total	NA	NA	NA	283,420	118,632	(*)
High volatile metallurgical coal: [3]						
Asia				11,331		(*)
Europe					76,532	(*)
Western hemisphere				35,724	100,295	(*)
Total	NA	NA	NA	47,055	176,827	(*)
Total metallurgical coal:						
Asia			377,151	225,762	118,099	134,389
Europe			269,606	214,604	161,930	206,831
Western hemisphere			224,411	*110,093	*112,325	136,928
Total	NA	NA	***889,125	*550,459	*436,605	521,109

	Week ending					
	Dec. 30, 1977	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978	Feb. 3, 1978
Low volatile metallurgical coal: [1]						
Asia	(*)	(*)	(*)	(*)	(*)	(*)
Europe	(*)	(*)	(*)	(*)	(*)	(*)
Western hemisphere	(*)	(*)	(*)	(*)	(*)	(*)
Total	(*)	(*)	(*)	(*)	(*)	(*)
Medium volatile metallurgical coal: [2]						
Asia	(*)	(*)	(*)	(*)	(*)	(*)
Europe	(*)	(*)	(*)	(*)	(*)	(*)
Western hemisphere	(*)	(*)	(*)	(*)	(*)	(*)
Total	(*)	(*)	(*)	(*)	(*)	(*)
High volatile metallurgical coal: [3]						
Asia	(*)	(*)	(*)	(*)	(*)	(*)
Europe	(*)	(*)	(*)	(*)	(*)	(*)
Western hemisphere	(*)	(*)	(*)	(*)	(*)	(*)
Total	(*)	(*)	(*)	(*)	(*)	(*)
Total metallurgical coal:						
Asia	(*)	(*)	(*)	(*)	(*)	(*)
Europe	(*)	(*)	(*)	(*)	(*)	(*)
Western hemisphere	(*)	(*)	(*)	(*)	(*)	(*)
Total	128,822	174,709	311,331	97,800	262,585	251,327

	Weekly average			Week ending			
	December 1975	December 1976	November 1977	Dec. 9, 1977	Dec. 16, 1977	Dec. 23, 1977	Dec. 30, 1977
Other bituminous coal	NA	NA	158,326	129,424	351,669	59,500	
Total bituminous coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,509	128,822
Coke of coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

	Week ending				
	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978	Feb. 3, 1978
Other bituminous coal	0	0	0	0	0
Total bituminous coal	174,709	311,331	97,800	262,585	251,327
Coke of coal	4,466	5,062	29,143	30,634	3,998

[1] 22 percent or less volatile matter.
[2] 31 percent or less and more than 22 percent volatile matter.
[3] More than 31 percent volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
* Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
** Partial, in content tons.
*** Includes 17,957 short tons of metallurgical grade coal to destinations not listed above.
NA: Not available.

Sources: Office of Export Administration and the Bureau of the Census.

TABLE 4.—*Anticipated exports by commodity and area of destination, in short tons.*

[For week ending Feb. 3, 1978]

Commodity and area of destination	Contracts							
	Week ending							
	Feb. 10, 1978	Feb. 17, 1978	Feb. 24, 1978	Mar. 3, 1978	Mar. 10, 1978	Mar. 17, 1978	Next 6 weeks	Total for 12 weeks
Total metallurgical coal: [1]								
Asia	109,703	196,568	184,927	130,755	207,455	185,055	1,599,654	2,614,117
Europe	208,876	113,226	113,226	146,226	153,226	157,226	1,313,903	2,205,909
WesternHemisphere	24,421	84,956	162,130	29,856	30,466	34,095	424,970	790,894
Total	343,000	394,750	460,283	306,837	391,147	376,376	*3,624,987	*5,897,380
Other bituminous coal	([3])	([3])	([3])	([3])	([3])	([3])	([3])	([3])
Total bituminous coal								([3])
Coke of coal	66,277	28,337	3,082	2,872	1,867	1,887	37,022	141,344

[1] Volatility data by destination have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

[2] Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures hav been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

[3] Data withheld to avoid disclosure of data withheld above. See footnote 2.

* Includes 286,460 tons to destinations not listed above.

Sources: Office of Export Administration and Bureau of the Census.

TABLE 5.—*Export prices of bituminous coal and coke of coal, in dollars per short ton*

[Week ending Feb. 3, 1978]

Commodity	Average					
	January 1976	January 1977	November 1977	Weighted	High	Low
Low volatile metallurgical coal [1]	NA	NA	NA	([4])	([4])	([4])
Medium volatile metallurgical coal [2]	NA	NA	NA	([4])	([4])	([4])
High volatile metallurgical coal [3]	NA	NA	NA	([4])	([4])	([4])
Total metallurgical coal	NA	NA	53.84	52.56	68.95	49.20
Other bituminous coal	NA	NA	35.01	0	0	0
Total bituminous coal	49.16	54.34	50.99	52.56	68.95	49.20
Coke of coal	61.22	45.25	79.70	126.00	142.79	122.00

[1] 22 pct or less volatile matter.

[2] 31 pct or less and more than 22 percent volatile matter.

[3] More than 31 percent volatile matter.

[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

TABLE 6.—*U.S. trade in bituminous coal and coke of coal, in short tons*

[Week ending Feb. 3, 1978]

	Weekly average			Week ending			
	December 1975	December 1976	November 1977	Dec. 9, 1977	Dec. 16, 1977	Dec. 23, 1977	Dec. 30, 1977
Imports:							
Bituminous coal [1]	20,097	21,452	31,158	NA	NA	NA	NA
Coke of coal	20,774	28,903	41,267	NA	NA	NA	NA
Exports:							
Bituminous coal [1]	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922
	Average			Week ending			
	January 1976	January 1977		Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978
Imports:							
Bituminous coal [1]	16,346	27,198		NA	NA	NA	NA
Coke of coal	3,483	5,987		NA	NA	NA	NA

TABLE 6.—*U.S. trade in bituminous coal and coke of coal, in short tons*—Continued

	Average		Week ending			
	January 1976	January 1977	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978
Exports:						
Bituminous coal	834,857	483,983	174,709	311,331	97,800	262,585
Coke of coal	12,326	20,514	4,466	5,062	29,143	30,634
				Weekly average		Week ending
				February 1976	February 1977	Feb. 3, 1978
Imports:						
Bituminous coal [1]				NA	NA	NA
Coke of coal				NA	NA	NA
Exports:						
Bituminous coal [1]				736,138	769,840	251,327
Coke of coal				22,185	12,805	3,998

[1] Includes both metallurgical grade and steam coal.

Sources: Office of Export Administration and Bureau of the Census.

TABLE 7.—*Bituminous coal and coke of coal* production, consumption, and stocks, in thousand short tons*

[For week ending Feb. 4, 1978]

	Weekly average			Week ending			
	December 1975	December 1976	November 1977	Dec. 10, 1977	Dec. 17, 1977	Dec. 24, 1977	Dec. 31, 1977
Total bituminous coal production**	12,019	12,593	14,798	9,100	5,080	(R) 5,515	5,700
Consumption:							
Metallurgical ***	1,519	1,568	NA	1,290	1,368	1,364	1,324
Other bituminous:							
Electric utility	8,414	9,387	NA	9,228	9,550	9,398	8,928
General industry	1,358	1,421	NA	1,330	1,252	1,163	1,146
Total other	9,772	10,808	NA	10,558	10,802	10,561	10,074
Total bituminous	11,291	12,376	NA	11,848	12,170	11,925	11,398
Bituminous coal stocks (end of specified periods):							
Metallurgical ***	8,671	9,804	NA	(R) 15,084	14,776	13,982	13,088
Other bituminous:							
Electric utility	109,707	117,468	NA	(R) 146,171	141,691	136,993	131,308
General industry	8,504	6,900	NA	9,495	9,248	8,896	8,425
Total other	118,211	124,368	NA	155,666	150,939	145,889	139,713
Total bituminous	126,882	134,172	NA	170,750	165,715	159,871	152,801

	Weekly average		Week ending				
	January 1976	January 1977	Jan. 7, 1978	Jan. 14, 1978	Jan. 21, 1978	Jan. 28, 1978	Feb. 4, 1978
Total bituminous coal production ***	11,627	9,520	5,755	(R) 5,260	(R) 5,045	(R) 4,970	5,440
Consumption:							
Metallurgical ***	1,505	1,428	1,291	1,192	1,221	1,161	1,129
Other bituminous:							
Electric utility	9,009	9,730	9,359	9,652	9,763	9,765	9,386
General industry	1,211	1,442	1,220	1,298	1,199	1,152	1,185
Total other	10,220	11,172	10,579	10,950	10,962	10,917	10,571
Total bituminous	11,725	12,600	11,870	12,142	12,183	12,078	11,700
Bituminous coal stocks (end of specified periods):							
Metallurgical ***	8,115	8,107	11,992	10,900	9,771	8,821	7,805
Other bituminous:							
Electric utility	104,456	103,883	126,268	119,399	112,535	105,945	99,609
General indsutry	6,425	5,960	8,046	7,579	7,246	6,811	6,484
Total other	110,881	109,843	134,314	126,978	119,781	112,756	106,093
Total bituminous	118,996	117,950	146,306	137,878	129,552	121,577	113,898

*Data on coke of coal production consumption, and stocks are not available on a weekly basis.
**More detailed production data are not available.
***More detailed data in terms of volatile content are not available.

(R) Revised.
Data source: Department of Energy.

TABLE 8.—*Representative domestic bituminous coal and coke of coal prices, dollars per short tons FOB mine or coke plant*

[For week ending Feb. 4, 1978]

		Metallurgical coal			Other	Coke	
		Low volume	Medium volume	High volume	Bituminous	Furnace	Foundry
December 1975	Spot	(46.38)		29.28	17.37	NA	110/117
	Contract	NA	NA	NA	NA	NA	NA
December 1976	Spot	33/50	28/33	27/33	16.12	85/97	121/125.50
	Contract	45.75/49.50	40/46.50	34/40	17.37	NA	NA
November 1977	Spot	42/51	31/37	29/36	18.75	85/90	129/132.50
	Contract	43/50	40/43	31/38	18.81	NA	NA
Week ending Dec. 10, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Dec. 17, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Dec. 24, 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Dec. 30. 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 7, 1978	Spot	44/51	31/37	29/36	18.87	80/90	129.134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 14, 1978	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 21, 1978	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 28, 1978	Spot	44/51	31/37	29/36	20.31	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Feb. 4, 1978	Spot	44/51	31/37	29/36	20.31	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA

Source: McGraw-Hill's "Coal Week." Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Applachia. Prices for "Other Bituminous Coal" are averaged from Northern Aplachian steam coal quotes.
NA: not available.

[FR Doc. 78-6690 Filed 3-10-78; 8:45 am]

[3510-25]

EXPORT MONITORING REPORT FOR COAL AND COKE OF COAL

Week Ending February 10, 1978

Total bituminous coal exports for the week ending February 10 were 72,569 short tons compared with 251,327 short tons exported the preceding week. Total bituminous coal exports during the preceding six weeks have averaged 204,429 short tons weekly. Exports for the week ending February 10 were the lowest for any week since the start of the strike.

All bituminous coal exports for the week were of metallurgical grades. The weighted average price of this coal was $57.76. With the low level of export activity, only a small number of firms reported coal shipments during the week. A breakdown of these exports by volatility and area of destination is, therefore, withheld from this report to prevent disclosure of information deemed to be confidential pursuant to Section 7(c) of the Export Administration Act of 1969, as amended. For the same reason, only the weighted average price of total metallurgical and total bituminous coal exports is shown in the accompanying tables.

Exports of coke manufactured from coal for the week were 75,173 short tons compared with 3,998 short tons exported the preceding week. This is the highest weekly export level for this product since the start of the coal strike. However, this high level of coke exports is not believed to be indicative of any trend since: (1) This level of coke exports for the week had been predicted by advance contract data presented in previous coal monitoring reports; (2) current advance contract data indicates that coke exports will fall to a range of 2,597 short tons to 29,082 short tons per week during the next six weeks; and, (3) historically, weekly exports of this product have reflected both variations in the level of export contracts and the pattern of export loadings. Since the start of the coal strike, exports of coke have varied between a low of 2,843 short tons and the current high of 75,173 short tons per week.

The low and average price data for coke reported this week were again depressed by low value breeze coke exports. No apparent change is indicated by reported price data, however, since the high price of $142.79 per short ton reported for this week is the same as that reported for the previous three weeks.

Domestic bituminous coal production for the week was 6,140,000 short tons, an increase from the 5,440,000 short tons reported for the previous week. This increase in production results from the fact that 1,476 mines were operating on February 9 compared with 1,146 mines operating the preceding week. The number of operating mines has increased each week from the low reported for this strike period on December 22, 1977 of 1,283 operating mines. To date, however, there has been no clear linear relationship between the number of operating mines and coal production, for adverse weather conditions appear to have depressed the production realized from the increasing number of operating mines.

Total bituminous coal consumption for the week was estimated to be 11,737,000 short tons, essentially the same level as the 11,700,000 short tons consumed the preceding week. Total end-of-week inventories were estimated to be 105,946,000 short tons, a decrease of 7,554,000 short tons from the preceding week. Domestic metallurgical coal and coke prices were stable for the week as were prices for other bituminous (including steam) coal sold under long-term contracts. The average spot market price of steam coal, however, was $20.56 per short ton, an increase from $20.31 per short ton reported the preceding week. Coal shortages may have forced an upward movement in spot sales prices through active bidding for limited available stocks of coal.

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

FEBRUARY 10,1978.

TABLE 1.—*U.S. exports of bituminous coal and coke of coal, in short tons*

[For week ending Feb. 10, 1978]

Commodity	Exports: Weekly average December 1975	December 1976	November 1977	Week ending Dec. 9, 1977	Dec. 16, 1977	Dec. 23 1977	Dec. 30, 1977
Low volatile [1] metallurgical coal	NA	NA	***133,877	199,136	96,895	(4)	(4)
Medium volatile [2] metallurgical coal	NA	NA	NA	283,420	118,632	(4)	(4)
High volatile [3] metallurgical coal	NA	NA	NA	47,055	176,827	(4)	(4)
Total metallurgical coal	NA	NA	889,125	*550,459	**436,605	521,109	128,822
Other bituminous coal	NAI30NA		158,326	129,424	351,669	59,500	
Total bituminous coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

Commodity	Average January 1976	January 1977	Week ending Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978
Low volatile [1] metallurgical coal	NA	NA	(4)	(4)	(4)	(4)
Medium volatile [2] metallurgical coal	NA	NA	(4)	(4)	(4)	(4)
High volatile [3] metallurgical coal	NA	NA	(4)	(4)	(4)	(4)
Total metallurgical coal	NA	NA	174,709	311,331	97,800	262,585
Other bituminous coal	NA	NA				
Total bituminous coal	834,857	483,983	174,709	311,331	97,800	262,585
Coke of coal	12,326	20,514	4,466	5,062	29,143	30,634

Commodity	Weekly average February 1976	February 1977	Week ending Feb. 3, 1978	Feb. 10, 1978
Low volatile [1] metallurgical coal	NA	NA	(4)	(4)
Medium volatile [2] metallurgical coal	NA	NA	(4)	(4)
High volatile [3] metallurgical coal	NA	NA	(4)	(4)
Total metallurgical coal	NA	NA	251,327	72,569
Other bituminous coal	NA	NA		
Total bituminous coal	736,138	769,840	251,327	72,569
Coke of coal	22,185	12,805	3,998	75,173

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
*Includes 20,848 short tons of metallurgical grade coal not identified as to volatility.
**Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
***Partial, in content tons.

NA Not available.
Sources: Office of Export Administration, and Bureau of the Census.

TABLE 2.—*Contracts for export of bituminous coal and coke of coal, in short tons*

[For week ending Feb. 10, 1978]

Commodity	Contracts: Week ending Feb. 17, 1978	Feb. 24, 1978	Mar. 3, 1978	Mar. 10, 1978	Mar. 17, 1978	Mar. 24, 1978	Next 6 weeks	Total for 12 weeks
Low volatile [1] metallurgical coal	141,890	76,716	99,714	77,324	120,953	80,953	961,208	1,558,758
Medium volatile [2] metallurgical coal	280,885	206,840	190,288	110,288	323,078	303,188	2,321,277	3,735,844
High volatile [3] metallurgical coal	50,010	98,710	56,510	36,710	36,710	36,710	268,803	584,163
Total metallurgical coal	472,785	382,266	346,512	224,322	480,741	420,851	3,551,288	5,878,765
Other bituminous coal	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
Coke of coal	29,082	7,067	3,252	2,637	2,677	2,597	37,933	85,245

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

Sources: Office of Export Administration and bureau of the Census.

TABLE 3.—*U.S. exports by commodity and area of destination, in short tons*

[For week ending Feb. 10, 1978]

Commodity and area of destination	Exports						
	Weekly average		Week ending				
	Dec. 1975	Dec. 1976	Nov. 1977	Dec. 9, 1977	Dec. 16, 1977	Dec. 23, 1977	Dec. 30, 1977
Low volatile [1] metallurgical coal:							
Asia			7,458	111,525	24,808	(*)	(*)
Europe			43,463	40,893	69,440	(*)	(*)
Western Hemisphere			82,956	46,718	2,647	(*)	(*)
Total	NA	NA	**133,877	199,136	96,895	(*)	(*)
Medium volatile [2] metallurgical coal:							
Asia				102,906	93,291	(*)	(*)
Europe				173,711	15,958	(*)	(*)
Western Hemisphere				6,803	9,383	(*)	(*)
Total	NA	NA	NA	283,420	118,632	(*)	(*)
High volatile [3] metallurgical coal:							
Asia				11,331	0	(*)	(*)
Europe				0	76,532	(*)	(*)
Western Hemisphere				35,724	100,295	(*)	(*)
Total	NA	NA	NA	47,055	176,827	(*)	(*)
Total metallurgical coal:							
Asia			377,151	225,762	118,099	134,389	(*)
Europe			269,606	214,604	161,930	206,831	(*)
Western Hemisphere			224,411	*110,093	*112,325	136,928	(*)
Total	NA	NA	***889,125	*550,459	*436,605	521,109	128,822

	Week ending					
	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978	Feb. 3, 1978	Feb. 10, 1978
Low volatile [1] metallurgical coal:						
Asia	(*)	(*)	(*)	(*)	(*)	(*)
Europe	(*)	(*)	(*)	(*)	(*)	(*)
Western Hemisphere	(*)	(*)	(*)	(*)	(*)	(*)
Total	(*)	(*)	(*)	(*)	(*)	(*)
Medium volatile [2] metallurgical coal:						
Asia	(*)	(*)	(*)	(*)	(*)	(*)
Europe	(*)	(*)	(*)	(*)	(*)	(*)
Western Hemisphere	(*)	(*)	(*)	(*)	(*)	(*)
Total	(*)	(*)	(*)	(*)	(*)	(*)
High volatile [3] metallurgical coal:						
Asia	(*)	(*)	(*)	(*)	(*)	(*)
Europe	(*)	(*)	(*)	(*)	(*)	(*)

	Week ending					
	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978	Feb. 3, 1978	Feb. 10, 1978
Western Hemisphere	(*)	(*)	(*)	(*)	(*)	(*)
Total	(*)	(*)	(*)	(*)	(*)	(*)
Total metallurgical coal:						
Asia	(*)	(*)	(*)	(*)	(*)	(*)
Europe	(*)	(*)	(*)	(*)	(*)	(*)
Western Hemisphere	(*)	(*)	(*)	(*)	(*)	(*)
Total	174,709	311,331	97,800	262,585	251,327	72,569

	Weekly average			Week ending			
	Dec. 1975	Dec. 1976	Nov. 1977	Dec. 9, 1977	Dec. 16, 1977	Dec. 23, 1977	Dec. 30, 1977
Other bituminous coal	NA	NA	158,326	129,424	351,669	59,500	0
Total Bituminous coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,509	128,822
Coke of coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

TABLE 3.—*U.S. exports by commodity and area of destination, in short tons*-Continued

	Exports					
	Week ending					
	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978	Feb. 3, 1978	Feb. 10, 1978
Other bituminous coal	0	0	0	0	0	0
Total bituminous coal	174,709	311,331	97,800	262,585	251,327	72,569
Coke of coal	4,466	5,062	29,143	30,634	3,998	75,173

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

NA: Not available.
*Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
**Partial, in content tons.
***Includes 17,957 short tons of metallurgical grade coal to destinations not listed above.

Sources: Office of Export Administration and the Bureau of the Census.

TABLE 4.—*Anticipated exports by commodity and area of destination, in short tons*

[For week ending Feb. 10, 1978]

	Contracts							
	Week ending							
Commodity and area of destination	Feb. 17, 1978	Feb. 24, 1978	Mar. 3, 1978	Mar. 10, 1978	Mar. 17, 1978	Mar. 24, 1978	Next 6 weeks	Total for 12 weeks
Total metallurgical coal: [1]								
Asia	210,522	160,455	170,555	80,755	196,121	185,055	1,599,654	2,603,117
Europe	177,307	191,955	146,101	113,101	197,101	201,701	1,240,204	2,267,470
Western Hemisphere	84,956	29,856	29,856	30,466	87,519	34,095	424,970	721,718
Total	472,785	382,266	346,512	224,332	480,751	420,851	*3,551,288	*5,878,765
Other bituminous coal	([3])	([3])	([3])	([3])	([3])	([3])	([3])	([3])
Total bituminous coal	([3])							
Coke of coal	29,082	7,067	3,252	2,637	2,677	2,597	37,933	85,245

[1] Volatility data by destination have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
[2] Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
[3] Data withheld to avoid disclosure of data withheld above. See footnote 2.

* Includes 286,460 tons to destinations not listed above.

Sources: Office of Export Administration and Bureau of the Census.

TABLE 5.—*Export prices of bituminous coal and coke of coal, in dollars per short ton*

[Week ending Feb. 10, 1978]

	Average					
Commodity	January 1976	January 1977	November 1977	Weighted	High	Low
Low volatile metallurgical coal [1]	NA	NA	NA	([4])	([4])	([4])
Medium volatile metallurgical coal [2]	NA	NA	NA	([4])	([4])	([4])
High volatile metallurgical coal [3]	NA	NA	NA	([4])	([4])	([4])
Total metallurgical coal	NA	NA	53.84	57.76	([4])	([4])
Other bituminous coal	NA	NA	35.01	0	0	0
Total bituminous coal	49.35	49.70	50.99	57.76	([4])	([4])
Coke of coal	50.06	62.35	79.70	34.19	142.79	27.50

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more thn 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

TABLE 6.—*U.S. trade in bituminous coal and coke of coal, in short tons*
[For week ending Feb. 10, 1978]

	Weekly average			Week ending			
	December 1975	December 1976	November 1977	Dec. 9, 1977	Dec. 16, 1977	Dec. 23, 1977	Dec. 30, 1977
Imports:							
Bituminous coal [1]	20,097	21,452	31,158	NA	NA	NA	NA
Coke of coal	20,774	28,903	41,267	NA	NA	NA	NA
Exports:							
Bituminous coal [1]	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

	Average		Week ending			
	January 1976	January 1977	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978
Imports:						
Bituminous coal [1]	16,346	27,198	NA	NA	NA	NA
Coke of coal	3,483	5,987	NA	NA	NA	NA
Exports:						
Bituminous coal	834,857	483,983	174,709	311,331	97,800	262,585
Coke of coal	12,326	20,514	4,466	5,062	29,143	30,634

	Weekly average		Week ending	
	February 1976	February 1977	Feb. 3, 1978	Feb. 10, 1978
Imports:				
Bituminous coal [1]	NA	NA	NA	NA
Coke of coal	NA	NA	NA	NA
Exports:				
Bituminous coal [1]	736,138	769,840	251,327	72,569
Coke of coal	22,185	12,805	3,998	75,173

[1] Includes both metallurgical grade and steam coal.

Sources: Office of Export Administration and Bureau of the Census.

TABLE 7.—*Bituminous coal and coke of coal* production, consumption, and stocks, in thousand short tons*
[For week ending Feb. 11, 1978]

	Weekly average			Week ending			
	December 1975	December 1976	November 1977	Dec. 10, 1977	Dec. 17, 1977	Dec. 24, 1977	Dec. 31, 1977
Total bituminous coal production**	12,019	12,593	14,798	9,100	5,080	(R) 5,515	5,700
Consumption:							
Metallurgical***	1,519	1,568	NA	1,290	1,368	1,364	1,324
Other bituminous:							
Electric utility	8,414	9,387	NA	9,228	9,550	9,398	8,928
General industry	1,358	1,421	NA	1,330	1,252	1,163	1,146
Total other	9,772	10,808	NA	10,558	10,802	10,561	10,074
Total bituminous	11,291	12,376	NA	11,848	12,170	11,925	11,398
Bituminous coal stocks (end of specified periods):							
Metallurgical***	8,671	9,804	NA	(R) 15,084	14,776	13,982	13,088
Other bituminous:							
Electric utility	109,707	117,468	NA	(R) 146,171	141,691	136,993	131,308
General industry	8,504	6,900	NA	9,495	9,248	8,896	8,425
Total other	118,211	124,368	NA	155,666	150,939	145,889	139,713
Total bituminous	126,882	134,172	NA	170,750	165,715	159,871	152,801

	Weekly average		Week ending				
	January 1976	January 1977	Jan. 7, 1978	Jan. 14, 1978	Jan. 21, 1978	Jan. 28, 1978	Feb. 4, 1978	Feb. 11, 1978
Total bituminous coal production**	11,627	9,520	5,755	(R) 5,260	(R) 5,045	(R) 4,970	5,440	6,140
Consumption:								
Metallurgical***	1,505	1,428	1,291	1,192	1,221	1,161	1,129	1,069
Other bituminous:								
Electric utility	9,009	9,730	9,359	9,652	9,763	9,765	9,386	9,479
General industry	1,211	1,442	1,220	1,298	1,199	1,152	1,185	1,189
Total other	10,220	11,172	10,579	10,950	10,962	10,917	10,571	10,668
Total bituminous	11,725	12,600	11,870	12,142	12,183	12,078	11,700	11,737
Bituminous coal stocks (end of specified periods):								
Metallurgical***	8,115	8,107	11,992	10,900	9,771	8,821	(R) 7,772	6,888
Other bituminous:								
Electric utility	104,456	103,883	126,268	119,399	12,535	105,945	(R) 99,244	92,937
General industry	6,425	5,960	8,046	7,579	7,246	6,811	6,484	6,121
Total other	110,881	109,843	134,314	126,978	119,781	112,756	(R) 105,728	99,058
Total bituminous	118,996	117,950	146,306	137,878	129,552	121,577	(R) 113,500	105,946

*Data on coke of coal production, consumption, and stocks are not available on a weekly basis.
**More detailed production data are not available.
***More detailed data in terms of volatile content are not available.

(R) Revised.
Data source: Department of Energy.

TABLE 8.—*Representative domestic bituminous coal and coke of coal prices, dollars per short tons FOB Mine or Coke Plant*
[For week ending Feb. 11, 1978]

		Metallurgical coal			Other	Coke	
		Low volume	Medium volume	High volume	Bituminous	Furnace	Foundry
December 1975	Spot		(46.38)	29.28	17.37	NA	110/117
	Contract	NA	NA	NA	NA	NA	NA
December 1976	Spot	33/50	28/33	27/33	16.12	85/97	121/125
	Contract	45.75/49.50	40/46.50	34/40	17.37	NA	NA
November 1977	Spot	42/51	31/37	29/36	18.75	85/90	129/132.50
	Contract	43/50	40/43	31/38	18.81	NA	NA
Week ending Dec. 10, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Dec. 17, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Dec. 24, 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Dec. 30, 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 7, 1978	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 14, 1978	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 21, 1978	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 28, 1978	Spot	44/51	31/37	29/36	20.31	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Feb. 4, 1978	Spot	44/51	31/37	29/36	20.31	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Feb. 11, 1978	Spot	44/51	31/37	29/36	20.56	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA

Source: McGraw-Hill's "Coal Week." Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.
NA—Not available.

[FR Doc. 78-6691 Filed 3-10-78; 8:45 am]

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

CONTINUED UTILIZATION OF KAHOOLAWE ISLAND, HAWAII FOR WEAPONS TRAINING BY THE UNITED STATES ARMED FORCES

Public Hearings and Availability of the Draft Supplement to the 1972 Final Environmental Impact Statement (EIS)

Notice is hereby given pursuant to the National Environmental Policy Act of 1969, Pub. L. 91-190 (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality Guidelines, 40 CFR Part 1500, that a series of public hearings at five different locations will be held for the purpose of providing the public with relevant information on the proposed action to continue the military use of Kahoolawe Island, Hawaii, and to afford the public an opportunity to present their views on this matter. Hearings will be held on the following dates, at the locations and times specified:

APRIL 10, 1978

Wailuku Public Library, Wailuku, Maui, Hawaii. The afternoon session will begin at 1 p.m., and the evening session will begin at 7 p.m.

APRIL 11, 1978

Wailuku Public Library, Wailuku, Maui, Hawaii. The hearing will begin at 9 a.m.

APRIL 13, 1978

Auditorium, State Capitol Building, Honolulu, Hawaii. The afternoon session will begin at 1 p.m., and the evening session will begin at 7 p.m.

APRIL 14, 1978

Auditorium, State Capitol Building, Honolulu, Hawaii. The hearing will begin at 9 a.m.

APRIL 18, 1978

War Memorial Convention Hall, Lihue, Kauai, Hawaii. The afternoon session will begin at 1 p.m., and the evening session will begin at 7 p.m.

APRIL 19, 1978

Rodney Yano Memorial Center, Captain Cook, Hawaii. The afternoon session will begin at 1 p.m., and the evening session will begin at 7 p.m.

APRIL 20, 1978

County Council Chambers, County Building, Hilo, Hawaii. The afternoon session will begin at 2 p.m., and the evening session will begin at 7 p.m.

Public hearings are being held at five sites in order that all persons, governmental organizations, agencies, and groups who so desire are afforded the opportunity to comment on the proposed action.

The hearings will be conducted by Captain Peter B. Walker, Judge Advocate General's Corps, United States Navy, and will include a presentation of the Navy's utilization of Kahoolawe Island, expected environmental impact, alternatives, and what may be expected for the future.

The following procedures will be followed during the public hearings. For record purposes, all persons attending the hearings will be asked to provide their names upon entering the hearing. Individual speakers wishing to comment at the hearing will have four minutes each, and group spokespersons will have six minutes each to summarize and present their views. Each speaker will identify himself and any organization he may be representing. One speaker may not relinquish time to another.

Individuals and organizations wishing to submit written statements to be included in the hearing record are encouraged to do so by April 3, 1978, or such statements may be presented to the Hearing Officer during the hearing. Pre-registration of speakers is desired, and should be made in person or writing. Speakers may also register at the attendance desk at the hearing.

The name and title of the speaker for organizations should be included in the pre-registration.

Any organization desiring to make a formal presentation in excess of the foregoing time limits is requested to contact the hearing officer prior to April 3, 1978, so that appropriate arrangements may be made. The closing date for including additional written statements in the Navy hearing record is ten calendar days after the date of each individual hearing. Speaker preregistration and submission of written statements should be addressed to:

Captain P. B. Walker, JAGC, U.S. Navy, c/o Code 09F, Pacific Division, Naval Facilities Engineering Command, Pearl Harbor, HI 96860.

The Draft Supplement updates the Final EIS of 1972 in format and content to meet requirements of the National Environmental Policy Act of 1969 and includes the current ongoing training operations by the several military service branches on the island. It updates the alternatives to military use of this Island Target Complex and of military alternatives to Kahoolawe. Tree planting, erosion control, goat eradication, ordnance removal and archeological/historic sites investigations are included.

Anticipated environmental impacts resulting from the proposed project are documented in the 1972 Final Environmental Impact Statement for Kahoolawe Island (FEIS) and in the draft Supplement thereto which is the subject of the hearings here announced. Copies of the draft supplement, together with the FEIS, have been widely distributed and are available to the public at the following locations:

Chief of Naval Information, The Pentagon Press Room, Washington, D.C. 20350.
Headquarters, Commander Pacific Division, Naval Facilities Engineering Command, Makalapa, Pearl Harbor, Hawaii.
Office of the Mayor, County of Maui, 1588 Kaahumanu Avenue, Wailuku, Maui, Hawaii.
Office of the Mayor, City of Honolulu, City Hall, Honolulu, Hawaii.
Office of the Mayor, 4396 Rice Street, Lihue, Kauai, Hawaii.
Office of the Mayor, City Hall, County of Hawaii, Hilo, Hawaii.
All public libraries in the State of Hawaii, including Bookmobiles.
University of Hawaii Hamilton and Sinclair Libraries, Honolulu, Hawaii.
Ewa Beach Satellite City Hall, 91923 Fort Weaver Road, Ewa Beach, Hawaii.
Hauula Satellite City Hall, Hauula, Hawaii.
Hawaii Kai Satellite City Hall, Koko Marina Shopping Center, Honolulu, Hawaii.
Kailua Satellite City Hall, 302 Kuulet Road, Kailua, Hawaii.
Kalihi-Palama Satellite City Hall, 1865 KAM IV Road, Honolulu, Hawaii.
Kaneohe Satellite City Hall, 46-024 KAM Highway, Kaneohe, Hawaii.
Wahiawa Satellite City Hall, 830 California Avenue, Wahiawa, Hawaii.
Waianae Satellite City Hall, 85-670 Farrington Highway, Waianae, Hawaii.
Waipahu Satellite City Hall, 94-300 Farrington Highway, Waipahu, Hawaii.

For further information concerning this notice, contact Captain P. B. Walker, JAGC, USN, c/o Code 09F, Pacific Division, Naval Facilities Engineering command, Pearl Harbor, HI 96860, telephone number 808-471-0708.

Dated: March 13, 1978.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-6997 Filed 3-15-78; 8:45 am]

[3810-70]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Wednesday and Thursday, 12-13 April 1978, Pomponio Plaza, Rosslyn, Va.

The entire meeting, commencing at 0900 hours, is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on the functional use of phased array radars.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MARCH 10, 1978.

[FR Doc. 78-6753 Filed 3-15-78; 8:45 am]

[3810-70]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at Denver, Colo. on:

Monday, Tuesday, & Wednesday, 17, 18, and 19 April 1978.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MARCH 10, 1978.

[FR Doc. 78-6754 Filed 3-15-78; 8:45 am]

[6560-01]

(FRL 867-7); [PF-94]

CIBA-GEIGY CORP.

Notice of Filing of Pesticide Petition

Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409, has submitted a petition (PP 8F2045) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180.348 be amended by establishing a tolerance of 0.1 part per million for residues of the herbicide Profluralin [*N*-(Cyclopropylmethly)-α,α,α-trifluoro-2,6-dinitro-*N*-propyl-p-toluidine] in or on the raw agricultural commodity flax seeds. The proposed analytical method for determining residues is by gas chromatography employing electron capture detection. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Copy of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-755-2197. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 9, 1978.

DOUGLAS D. CAMPT,
Acting Director Registration Division.

[FR Doc. 78-6751 Filed 3-15-78; 8:45 am]

[6560-01]

(FRL 867-8); [PF-93]

ICI AMERICAS INC. ET AL

Notice of Filing of Pesticide Petitions

Pursuant to the provisions of Section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP 8F2044. ICI Americas, Inc., Concord Pike and New Murphy Road, Wilmington, Del. 19897. Proposes that 40 CFR be amended by the establishment of tolerances for residues of the insecticide permethrin (cis,trans isomers of (3-phenoxyphenyl)-methyl 3-2(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate) in or on the raw agricultural commodities cottonseed at 0.5 part per million (ppm) and eggs, milk, and the fat, meat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. Proposed analytical method for determining residues is by gas-liquid chromatography procedure using electon capture detection. PM17 (202/426-9425)

PP 8F2047. Chevron Chemical Co., 940 Hensley St., Richmond, Calif. 94804. Proposes that 40 CFR 180.267 be amended by the establishment of a tolerance for residues of the fungicide cis-N[(1,1,2,2-tetrachloroethyl)thio]-4-cyclohexeme-1,2-dicarboximide in or on the raw agricultural commodity green coffee beans at 0.20 part per million (ppm). Proposed analytical method for determining residues is by electron capture gas chromatography. PM21 (202/426-2454)

Interested persons are invited to submit written comments on these petitions to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW, Washington, D.C. 20460. A copy of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning these petitions may be directed to the designated Product Manager (PM) Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 9, 1978.

DOUGLAS D. CAMPT,
Acting Director
Registration Divison.

[FR Doc. 78-6752 Filed 3-15-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 867-6; OPP-50361]

SANDOZ, INC., ET AL

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 11273-EUP-13. Sandoz, Inc., Homestead, Fla. 30330. This experimental use permit allows the use of 240 pounds of the herbicide Norflurazon on apples, pears, citrus crops, and almonds to evaluate control of various weeds. A total of 148 acres is involved; the program is authorized only in the States of California, Arizona, Oregon, and Washington. The experimental use permit is hereby amended to change the expiration date from November 9, 1978 to November 9, 1979. Temporary tolerances for residues of the active ingredient in or on apples, pears, citrus crops, almonds and almond hulls have been established.

No. 1023-EUP-39. The Upjohn Co., Kalamazoo, Mich. 49001. This experimental use permit allows the use of the remaining supply of approximately 277 pounds of the herbicide Diphenamid on tomatoes, potatoes, sweet potatoes, peanuts, tobacco, fruit trees, peppers, strawberries, soybeans, raspberries, okra, blackberries, cotton, evergreens, and ornamentals to evaluate control of various weeds. A total of 36 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin. The experimental use permit is effective from February 1, 1978 to February 1, 1979. Permanent tolerances for residues of the active ingredient in or on cotton, okra, peanuts, peppers, potatoes, soybeans, sweet potatoes, strawberries, and tomatoes have been established (40 CFR 180.230). This permit is being issued with the limitation that treated blackberries, raspberries, and fruit trees will not bear fruit within one year after treatment.

No. 8591-EUP-1. Mogul Corp., Chagrin Falls, Ohio 44022. This experimental use permit allows the use of 3.2 pounds of the fungicide 3-(trimethoxysily)-propyldimethyloctadecyl ammonium chloride as a coating on cotton and polyester fibers which will be used in the construction of filters for placement in recirculating cooling systems to evaluate control of algae, fungi, and bacteria. The program is authorized only in the States of Texas and North Carolina; Ohio for redistribution. The experimental use permit is effective from January 30, 1978 to January 30, 1979.

Interested parties wishing to review the experimental use permits are referred to Room E-315 Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

STATUTORY AUTHORITY.—Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: March 9, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-6750 Filed 3-15-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 78-119; CC Docket No. 78-70; Transmittal No. 45]

AMERICAN SATELLITE CORP.

Memorandum Opinion and Order Instituting Investigation

Adopted: February 22, 1978.

Released: March 10, 1978.

1. American Satellite Corp. (ASC) is a communications common carrier providing leased channel service, by satellite, between various points in the United States. Its above-captioned tariff revision, filed on August 29, 1977, proposes to institute a discount for subscribers to long term service on certain ASC routes, subject to a minimum channel requirement. Petitions for Suspension and Investigation were filed by RCA American Communications, Inc. (RCA), Southern Pacific Communications Co. (SPC), and MCI Telecommunications Corp. (MCI). RCA also filed a Petition for Rejection. The tariff is presently scheduled to become effective February 24, 1978.

ASC'S PROPOSED LONG TERM SERVICE

2. In its present tariff, ASC offers a bulk discount to subscribers who lease six voice channels or more. The discount ranges in 5 steps from 10 percent per channel for subscribers to 6-11 channels, up to 35 percent for subscribers to 60 channels and over. All of these discounts apply to a minimum service period of 30 days. The proposed tariff would offer an additional discount of 5 percent for subscribers to 24-47 channels (for a total discount of 35 percent), 7.5 percent for subscribers to 48-59 channels (total discount of 37.5 percent), and 5 percent for subscribers to 60 channels and over (total discount of 40 percent). This additional discount would apply if the sub-

scriber leases at least 24 channels between ASC's Type 1 city pairs for a minimum of one year. Type 1 city pairs are from New York to Los Angeles or San Francisco. The subscriber may also include, as an option, up to 12 Type 2 city pairs in long term service. Type 2 city pairs are from Chicage, Houston, or Dallas to New York, Los Angeles, or San Francisco. Other sections of the proposed tariff provide for: (1) automatic renewal unless written notice of termination is given by ASC or the customer at least six months prior to the expiration date: (2) permission for ASC to change the discount level after the initial 24 Type 1 channels have been in service for six months;[1] and (3) permission for the customer to request that the service points on long term service channels be changed, upon 45 days written notice, subject to the availability of facilities and certain other conditions.

3. In its explanation of the proposed tariff, ASC states that the filing is in response to requests by several of its customers to help alleviate instability of charges for communications, and that ASC also is seeking to establish stability in its own costs and revenues to better achieve its business objectives. Cost support data is provided purporting to demonstrate that because competitive pressures prevent ASC from recovering all of its circuit engineering, installation, and disconnection costs by its present installation fee, long term service will allow more time to recover such costs on a system basis and will consequently reduce the average cost per circuit. In addition, ASC contends that the service will help reduce its present high rate of turnover and that greater utilization of its fixed capacity and recovery of expense costs will also result in a lower average cost per circuit. ASC states that its average monthly turnover in 1977 was about 3.5 percent, and it forecasts a weighted average cost reduction due to long term service of $91 per circuit month in 1977-1979 and a weighted average rate reduction of $53 for the same period. The comparable estimated figures for the period 1977-1981 are a cost reduction of $115 and a rate reduction of $67.

THE PETITION AND THE RESPONSE

4. SPC states in its petition to suspend and investigate that it is not opposed to the proposition that long term customer commitments may result in cost savings which could legitimately be reflected in lower rates. SPC questions, however, whether the actual tariff language proposed by ASC does in rality require a long term commitment. SPC points out that there is nothing in ASC's tariff providing for any type of penalty to the customer in the event that it cancels the sevice after one or two months. Moreover, SPC argues that the tariff provision allowing a customer to change the service points on existing channels defeats the fundamental cost basis of the proposed discount, that the term "implementation date" is vague and ambiguous, and that the cost data filed with the transmittal does not comply with section 61.38 of the Commission's Rules.

5. ASC responds that neither the Communications Act nor the rules of the Commission require that it elect a termination liability provision. It claims that its tariff, when read in context, obligates a customer to pay for a minimum of 24 Type 1 channels for at least a year, regardless of its failure to use all of them. This obligation would give the customer a very strong practical reason for continuing the service, and thus would reduce customer turnover. ASC also states that the allowance of customer-initiated changes in service points was a rational business decision to permit flexibility for its customers. ASC states that its experience has been that customers are unlikely to require a continual shift of channels between established city pairs, and points out that the customer remains obligated to pay the 24 channel charge on any move or relocation of a facility. It is claimed that these factors will reduce turnover and effectively stabilize revenues. Finally, ASC states that under the proposed tariff, the customer would qualify only for thirty day service rates until the implementation of the twenty-fourth Type 1 long term channel, and that the term "implementation" is clear and unambiguous.

6. MCI asserts in its petition that ASC should be allowed flexibility in designing its competitive rates, but believes that this type of pricing might create a dangerous precedent which would be used for predatory purposes by AT&T, resulting in grave anticompetitive and repressive effects on the communications industry as a whole. MCI also contends that the tariff will result in requiring excessive rates for other customers who would bear the burden of rising costs. The application of the discount to some routes but not others is also claimed to be discriminatory. Further, MCI argues that the proposed tariff will mislead ASC's customers to believe that the FCC cannot order rates to be increased during the long term service period, or will be a basis for pressuring the Commission into not exercising its statutory functions. Lastly, MCI contends that the supporting material for ASC's filing is incomplete, and proposes that the hearing it claims is necessary in the present case should be consolidated with the Docket No. 20098 hearing which is scheduled to consider the distance-insensitive nature of domestic satellite carriers' costs.

7. In reply, ASC states that it shares MCI's concern that AT&T may attempt to utilize the long term service commitment concept to eliminate competition, but is convinced that the Commission can deal with any abuses which might arise in the future. ASC also denies that any discrimination in rates would occur, since any increase in rates would be passed on to 30 day and long term customers alike. Any decrease in the discount level to reflect rising costs might temporarily result in different rates for customers who contracted for the service at different times, since the change could not go into effect until six months after the implementation date for each individual customer. However, ASC points out that the customer subject to the earlier discount reduction could decide not to proceed with long term service, and ASC contends that the different treatment would not be an unjust and unreasonable discrimination under Section 202(a) of the Communications Act. ASC defends its designation of the routes eligible for the discount as being cost-based, because it has commercial earth stations at the service points of its Type 1 routes, and its costs are lower than at other service points where it must use leased facilities. The Type 2 routes were selected, it is asserted, because of their high traffic density, because they conform to typical customer configurations, and because they would probably attract customers to the Long Term Service offering. ASC also argues that its customers are not likely to be misled by its proposed tariff revisions and submits that the revisions will not become the type of "lifeblood" service offering which could be used to apply pressure upon the Commission's decision-making process.

8. RCA Americom contends that the tariff filing is unreasonably discriminatory because the discount only applies when at least 24 channels are ordered and was adopted to court specific customers ASC wishes to treat differently than other customers with a need for like facilities. It also argues that the cost data fails to adequately describe the alleged cost basis for the rates. Several specific questions are raised concerning the details of the tariff and the information and data in support. In its petition to reject, RCA repeats some of these arguments, claiming that the tariff is discriminatory under Section 202(a) and should therefore be rejected.

9. ASC asserts in its reply that small customers will be able to take advan-

[1] Upon receipt of such notice, the customer may, by notifying ASC within 30 days, terminate the service effective on the day prior to the effective date of ASC's revised discount level.

tage of the long term service discount through a shared use group or a reseller, and that the de minimus cost savings to the carrier obtained through a long term commitment on a single channel would not justify a 35 percent discount. ASC also defends other aspects of its tariff, including the adequacy of its cost support material.

DISCUSSION

10. The Commission has often stated that its policy is to maintain regulatory flexibility for new carriers involved in competitive specialized communications services, in order to encourage innovation and competitive costs and charges. *Southern Pacific Communications Company*, 59 FCC 2d 1116 (1976); *American Satellite Corp.*, 55 FCC 2d 1 (1975); *Domestic Communication Satellite Facilities*, 35 FCC 2d 844 (1972). Our discussion in *American Satellite Corp.*, supra, at para. 3, is equally applicable here:

ASC is a new carrier which provides a limited range of competitive services. It does not have mature monopoly services which it may unjustly burden with the costs of its competitive efforts. Similarly, the services it provides are available from other sources so there is no undue danger that its failure would deprive the public of essential services. In these circumstances, we feel ASC should be free reasonably to compete and to offer such rates as it believes will establish itself in the market.

11. It is with these considerations in mind that we turn to the consideration of ASC's proposed tariff. We note first that the submitted cost support data appears it be in substantial compliance with Section 61.38 and adequately indicates that the proposed long term service commitment would generate cost savings because of the predicted reduction in customer turnover. Lengthening the period of service and reducing turnover would reduce ASC's costs and increase its revenues, and therefore appears to be a proper basis for reducing charges to customers who enter into long term service commitments with ASC. The projected amounts of such savings contained in ASC's cost support material appear to be reasonable under the circumstances.

12. With respect to the contention by SPC that the proposed tariff does not in reality require a long term commitment, because no early termination penalty is provided, we think that the commitment by the customer to pay for the minumum of 24 Type 1 channels for a year is sufficiently clear in the tariff and sufficiently binding to make the long term commitment a reality. However, the proposed tariff as filed is not entirely clear as to the exact extent of the customer's obligation. The tariff states that "The minimum service period shall be twelve months commencing upon the implementation date of the last of the initial 24 Type 1 channels." Presumably, the effect of the tariff is to require that at least those 24 channels be fully paid for the entire year. But the customer might order more channels than the minimum, or might add channels during the minimum service period. However, no specific provision is made for termination of channels even if the customer retains the minimum 24 channels. ASC did offer to clarify the tariff by adding the sentence "Upon commencement of the minimum service period, the long term service customer shall be charged for all Type 1 and Type 2 channels as set forth in (the) . . . preceding, for the full minimum service period." Although we do not necessarily approve this sort of termination liability provision, as discussed below, we believe the clarification represented by the ASC revision will better inform customers of the actual extent of their possible liability. We will therefore require that the tariff as filed be modified to include this revision.

13. With respect to the designation of the Type 1 and Type 2 city pairs, we do not find that such classification is unreasonably discriminatory, The fact that ASC has its earth stations in the Type 1 cities provides support for its designation of those city pairs as eligible for the discount, and its decision to allow a limited extension of the discount to Type 2 city paris, for competitive reasons based upon traffic density and projected customer needs, does not appear unreasonable as an exercise of competitive business judgment.

14. Another concern expressed by the petitioners, particularly MCI, is that if a dominant carrier such as AT&T were permitted to offer long term service, the result would be grossly anticompetitive and repressive to the communications industry. This concern is at present speculative, but in any event the circumstances of the present offering are distinctly different from any case involving a dominant carrier, for the reasons noted in para. 10 above. Thus, any ruling in this case would not be a significant precedent for a dominant carrier providing both monopoly and competitive services.

15. We also find no merit in several of the other arguments raised by petitioners. The meaning of the term "implementation," which SPC claims to be vague and ambiguous because a period of time will exist during which some but not all of the initial 24 channels have been installed, appears to us adequately clear in the context of this tariff. The implementation date of the last of the initial 24 Type 1 channels is, plainly enough, the date upon which the 24th channel is actually available for service. Nor is it likely, as MCI contends, that the tariff will mislead customers into believing that these rates will not change over a substantial period or that such belief will pressure the Commission into not exercising its statutory function of rate regulation. The tariff plainly does not exempt long term service customers from rate increases, but only gives them a percentage discount from those rates, whatever they might be. Other arguments concerning various minor details of this tariff, such as the provisions for changes in discount levels by the carrier and in service points by the customer, do not appear to be unreasonable.

16. However, several issues raised by this filing are more troublesome. First, the proposed tariff allows customers to obtain long term service only if the customer leases a minimum of 24 channels. The justification cited for the 24 channel minimum requirement is that a single channel commitment would result in de minimis cost savings and would not justify a 35 percent discount. That begs the question, for we are concerned here only with the additional 5 or 7.5 percent discount, which is predicated upon the cost savings resulting from the long term commitment.[2]

The cost support data do not indicate any cost basis for distinguishing between large and small costomers. ASC does suggest that a small customer could obtain the proposed discount by joining a shared use group and states that its first potential customers for the service are in fact shared use groups. But the filing leaves unexplained the basis for attaching this form of bulk usage requirement to the long term service discount, or the reasons which would justify requiring a small customer to join a shared use group to obtain a discount which a large customer can obtain directly. We do recognize, however, that ASC's underlying rates are structured around bulk discounts, as are those of many other carriers, and that the basic issue of bulk discounts is one of broad applicability that affects many carriers.

17. Secondly, the proposed tariff does not provide a termination clause. Rather, it requires the customer in effect to pay for the channels obtained under the long term service

[2] A related question concerns the channels added during the course of the minimum service period. Such channels would apparently be subject to the discount, even though they might be in service only for some fraction of the long term service period. This raises the question of whether the purported cost basis for the discount is in this regard undermined, and of whether applying the discount to such channels might be unjustly discriminatory.

commitment for the entire minimum service period of one year, regardless of the customer's subsequent failure or inability to use all of them. Thus, a customer forced to terminate service at the beginning or the middle of the year might be obligated to pay charges for service he did not receive or could not use. Such charges would seem to be unreasonably excessive and not cost related, particularly if the carrier were able to lease the terminated channels to another customer and thereby recover much of its costs. ASC did supply some supplemental cost support data on this point, but that data does not satisfactorily resolve the problem. The data supplied by ASC, for example, is directed solely to the carrier's possible revenue losses and to speculative possibilities regarding unrecoverable costs, but does not address the real possibility of windfalls to the carrier in the form of double payment by customers for the same channels, or of charges for services not received.

18. Finally, the requirement that customers give six months notice to avoid automatic renewal of the long term commitment raises a further matter of concern. The effect of this six months notice requirement, when coupled with the lack of any termination clause, is that after six months service, the customer is obligated to pay the full tariff rates for all his long term service channels, not only until the end of that year but also for another entire year, regardless of the reasons which might force the customer to terminate service.

19. As we discussed above, it has been Commission policy to maintain regulatory flexibility for new carriers involved in competitive specialized markets. While we has recognized that these new carriers should have reasonable freedom to innovate and adjust to competitive marketplace, it nonetheless remains our responsibility to assure that the rates and practices of all carriers are just and reasonable. Regulatory flexibility does not mean acquiescence in tariff provisions which may be unjust, unreasonable, or discriminatory. As we have stated above, many of the issues raised in this proceeding are properly matters for the competitive business judgment of the carrier. But the aspects of this proposed tariff discussed in paragraphs 16 through 18 appear to us to raise questions as to the justness of this tariff to customers and of the public interest. Specifically, these are the minimum channel requirement, the lack of a termination charge during the one year minimum service period, and the requirement of six months notice by the customer to avoid automatic renewal of the long term commitment. These questions seem to us of sufficient importance to warrant setting this proposed tariff for investigation. The Commission has not yet addressed many of the broad issues presented by long term tariffs. This investigation will provide the Commission as well as other interested persons an opportunity to do so. We are hopeful that this proceeding will be helpful in our initial development of policies and guidelines in this area. We accordingly desire the participation of interested persons in this proceeding so as to be able to develop a broad record on these points. We note, however, that this is an innovative offering by a relatively small competitive carrier, and that ASC's potential customers remain free to obtain the same communications services from ASC under its 30 day tariff or from one of ASC's competitors. Under these circumstances, it is doubtful that the long term service offering will have any adverse impact upon ASC's customers, and we do not believe that suspension of the tariff is warranted at this time.

20. Accordingly, the Petition for Rejection filed by RCA Americom Is Denied.

21. *It Is Further Ordered*, That the Petition for Suspension and Investigation filed by RCA Americom, Southern Pacific, and MCI are granted to the extent they are consistent with this opinion and are otherwise denied.

22. *It Is Further Ordered*, That the proposed tariff be modified to conform with paragraph 12 of this opinion.

23. *It Is Further Ordered*, That, pursuant to Sections 4(i), 4(j), 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by ASC with Transmittal No. 45 including any cancellations, amendments, or re-issues thereof.

24. *It Is Further Ordered*, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C. at a time to be specified, before an Administrative Law Judge to be designated.

25. *It Is Further Ordered*, A separated Trial Staff of the Common Carrier Bureau will participate in the above-captioned proceeding. The Chief, Hearing Division and his staff will be separated in accordance with Section 1.1209 of the Commission's Rules, 47 CFR 1.1209.

26. *It Is Further Ordered*, That the Administrative Law Judge shall upon closing of the record prepare and issue an initial decision, which shall be subject to the submission of exceptions and requests for oral argument as provided in Section 1.276 and 1.277 of the Commission's Rules, 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in Section 1.282 of those Rules, 47 CFR 1.282.

27. *It Is Further Ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the minimum channel requirement and the application of the discount to channels added during the minimum service period is unjust and unreasonable within the meaning of Section 201(b) of the Act of an unjust or unreasonable discrimination within the meaning of Section 202(a) of the Act;

(2) Whether the lack of a termination clause in the tariff will, or could be applied to, subject customers to unjust and unreasonable charges within the meaning of Section 201(b) of the Act;

(3) Whether the requirement of six months notice by the customer to avoid automatic renewal of the long term service commitment is an unjust and unreasonable practice within the meaning of Section 201(b) of the Act.

28. *It Is Further Ordered*, That American Satellite Corp. is made a party respondent hereto and that any other carrier or interested person shall be given leave to intervene herein upon the filing of a notice of intent to appear and participate on or before April 5, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-7042 Filed 3-15-78; 8:45 am]

[6712-01]

[Report No. 901]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MARCH 13, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See Section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's

rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Applications Accepted For Filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20772-CD-P-78 Radio Telephone Inc. (NEW) C. P. for a new station to operate on 152.09 MHz to be located at County Rd. HH 4.5 miles North of Sturgeon Bay, Wis.

20773-CD-P-78 Illinois Consolidated Telephone Co. (NEW) C. P. for a new 1-way station to operate on 158.10 MHz to be located 115 feet West of Locust Street on Lincoln Street, Owaneco, Ill.

20784-CD-P-78 The Chester Telephone Co. (NEW) C. P. for a new station to operate on 152.54 MHz to be located 125 feet west of U.S. 321 & 2, 375 feet South of intersection of U.S 321 & Road No. 622, Chester, S.C.

20826-CD-P-78 Hot Springs Radio Telephone Co., Inc. (NEW) C. P. for a new 1-way station to operate on 43.22 MHz to be located at End of West Mountain Road, Hot Springs, Ark.

20898-CD-MP-78 Telephone Secretarial Service (KAA889) Modification of CP to change antenna system and relocate facilities operating on 158.70 MHz to be located at 416 Eagle Rock Avenue and Prospect, West Orange, N.J.

20929-CD-TC-(2)-78 Answer, Inc. of Houston, Consent to Transfer of Control from George O. Tillinghast, Transferor to Roberta K. Tillinghast, Transferee. Stations: KUD221, Walker, Tex. and KWU 505, Houston, Tex.

20930-CD-TC-(2)-78 Baker Protective Services, Inc. Consent to Transfer of Control from Baker Industries, Inc., Transferor to BWA Corporation, Transferee. Stations: KIA956, Miami, Fla. and KSD312, Chicago, Ill.

20931-CD-P-78 Professional Communications, Inc. (NEW) C. P. for a new station to operate on 152.09 MHz to be located at 722 Climax Street, Titusville, Pa.

20880-CD-P-78 Comuniquick Services Co. (NEW) C. P. for a new station to operate on 152.12 MHz to be located at 106 South Market Street, Seaford, Del.

20932-CD-P-78 A Plus Communications of Puerto Rico Inc. (KWB400) C. P. to change antenna system and relocate facilities operating on 35.58 MHz at Loc. No. 1: Existing site of WSRA-FM, San Juan, Puerto Rico.

20934-CD-P-(2)-78 King Communications, Inc. (KQD310) CP to change antenna system and relocate facilities operating on 152.12 MHz from Loc. No. 1 to a new site Loc. No. 3 and for additional facilities to operate on 152.18 MHz at Loc. No. 3: WHNN-FM Tower, 81 Tuscola Road, Bay City, Mich.

20935-CD-P-78 Nashville Mobilphone, Inc. (KUS274) C. P. to replace transmitter and relocate facilities operating on 43.22 MHz to be located at Reservoir Hill, near West Fifth Street at Armstrong Street, Columbia, Tenn.

20936-CD-P-78 Nashville Mobilphone, Inc. (KUC962) C. P. to replace transmitter and relocate facilities operating on 152.21 MHz to be located at Reservoir Hill, near West Fifth Street at Armstrong Street, Columbia, Tenn.

20937-CD-P-78 General Communications Service, Inc. (KSV965) C. P. to change antenna system and relocate facilities operating on 35.22 MHz at Loc. No. 2: SW corner of intersection of Cooper Street and Grady Street, Douglasville, Ga.

20938-CD-P-78 Professional Communications, Inc. (NEW) C. P. for a new 1-way station to operate on 158.70 MHz to be located at 722 Climax Street, Titusville, Pa.

20942-CD-P-(2)-78 The Bell Telephone Company of Pennsylvania (KGA476) C. P. to replace transmitters operating on 35.42 & 35.66 MHz at Loc. No. 1: 4224 Mount Troy Road, Pittsburgh, Pa.

20943-CD-P-78 J. M. Blodgett d.b.a. Radio Page Communications (KWT885) C. P. for additional facilities to operate on 35.58 MHz to be located at a new site described as Loc. No. 5: Stone Harbor Golf Course, Cape May Court House, N.J.

20945-CD-P-(3)-78 Professional Communications, Inc. (NEW) C. P. for a new station to operate on 454.200 454.250 & 454.325 MHz to be located at 325 West 48th Street, Ashtabula, Ohio.

20946-CD-P-(4)-78 Digital Paging Systems, of N.Y., Inc. (NEW) C. P. for a new 1-way station to operate on 43.58 MHz at four (4) new sites described as: Loc. No. 1: 740 Werner Road, Attica, N.Y.; Loc. No. 2: 5300 Lewiston Rd., Mt. St. Mary's Hospital, Lewiston, N.Y.; Loc. No. 3: Hinman Road, Lockport, N.Y.; Loc. No. 4: 1 M & T Plaza Building, Buffalo, N.Y.

20947-CD-P-78 Professional Communications, Inc. (NEW) C.P. for a new 1-way station to operate on 43.58 MHz to be located at 325 West 48th Street, Ashtabula, Ohio.

20948-CD-P-78 Great Eastern Communications Co. (KWU364) C. P. for additional facilities to operate on 454.250 MHz to be located at a new site described as Loc. No. 2: intersection Rts. 601 & 650, 3 miles SW of Bluemont, Va.

20949-CD-P-(3)-78 Central Telephone Co. (KDT213) C.P. to replace transmitter and change antenna system operating on 152.57 & 152.78 MHz and for additional facilities to operate on 152.60 MHz located North of Highway 20, approximately 3 miles SW of Fort Dodge, Iowa.

20950-CD-P-(2)-78 The Pacific Telephone and Telegraph Co. (KMD692) C. P. to replace transmitter and change antenna system operating on 152.51 MHz, base and standby located at Hauser Mountain, 6.1 miles SW of Palmdale, Calif.

CORRECTION

20894-CD-TC-(2)-78 Baker Protective Services, Inc. Correct Transferor to read Stockholders of Baker Industries, Inc. All other particulars to remain as reported on PN No. 900 dated March 6, 1978.

MAJOR AMENDMENT

20864-CD-P-77 Charles R. Crawford (NEW) Santa Ynez Peak, Calif. Amend base frequency 158.70 MHz to read 152.24 MHz. All other particulars are to remain as reported on PN No. 848 dated March 7, 1977.

RURAL RADIO SERVICE

60109-CR-P/L-78 The Mountain States Telephone and Telegraph Co. (NEW) C. P. and License for a new rural subscriber station to operate on 459.60 MHz, to be located 9.4 miles ESE of Salt Lake City, Utah.

POINT TO POINT MICROWAVE RADIO SERVICE

UT—1587-CF-P-78 American Telephone and Telegraph Co. (KPM71) Cricket Mtn. 9.0 Miles NNE of Black Rock, (Millard) Utah. Lat. 38°50'06" N. Long. 112°52'42" W. CP to add frequency 4190H MHz toward Meadow, Utah.

UT—1588-CF-P-78 Same (KPM70) 1.5 Miles NE of Meadow, (Millard) Utah. Lat. 38°53'59" N. Long. 112°22'29" W. CP to add frequency 4198H MHz toward Cricket Mtn., and Scipio, Utah.

UT—1589-CF-P-78 Same (KPM69) 5.0 Miles SW of Scipio, (Millard) Utah. Lat. 39°11'45" N. Long. 112°10'54" W. CP to add frequency 4190H MHz toward Levan, and Meadow, Utah.

UT—1590-CF-P-78 Same (KPM68) 5.5 Miles NNW of Levan, (Juab) Utah. Lat. 39°37'33" N. Long. 111°54'27" W. CP to add frequency 4198H MHz toward Payson, and Scipio, Utah.

UT—1591-CF-P-78 Same (KPM67) 5.5 Miles NW of Payson, (Utah) Utah. Lat. 40°05'21" N. Long. 111°49'19" W. CP to add frequency 4190H MHz toward Levan, Utah.

AR—1601-CF-P-78 Southwestern Bell Telephone Co. (WOE86) 2.5 Miles NE of Belfast, (Grant) Ark. Lat. 34°26'36" N. Long. 92°26'03" W. CP to add frequency 6004.5V MHz and add antennas on 5974.8H MHz toward Kearney, Ark.

AR—1602-CF-P-78 Same (WOE85) 2.0 Miles SSE of Redfield Kearney, (Jefferson) Ark. Lat. 34°24'55" N. Long. 92°10'35" W. CP to add frequencies 6256.5H MHz toward Belfast, Ark. and 6256.5V MHz toward Pine Bluff, add antennas on 6226.9V MHz toward Belfast, Ark., and 6226.9H MHz toward Pine Bluff, Ark.

AR—1603-CF-P-78 Same (KYJ50) 720 Beech Street, Pine Bluff, (Jefferson) Arkansas Lat. 34°13'19" N. Long. 92°00'35" W. CP to add frequency 6004.5H MHz toward Kearney, Ark., and add antennas on 5974.8V MHz toward Kearney, Ark.

MT—1614-CF-MP-78 Mountain States Telephone & Telegraph Co. (KPH77) 6.9 Miles NNW of Vida, (McCone) Mont. Lat. 47°55'35" N. Long. 105°30'36" W. Mod of CP (3144-CF-P-77) to change frequency 5937.8V to 6019.3V MHz toward Richey, Mont.

MT—1595-CF-P-78 Mountain States Tel. & Tel. Co. (KPH60) Missoula JC. 3.5 Miles E of Missouia, (Missoula) Mont. Lat. 46°51'21" N. Long. 113°55'18" W. CP to add a new point of communication on frequencies 10835H & 11075V MHz toward Missoula P2, passive reflector on azimuth 214.5 degrees and from passive reflector to Blanchard, Mont. on azimuth 064.5 degrees.

MT—1358-CF-P-78 Blackfoot Telephone Cooperative, Inc. (New) Blanchard 15.5 Miles SW of Ovando, (Missoula) Mont. Lat. 47°00'13" N. Long. 113°27'23" W. CP for a new station on frequencies 2112V MHz on azimuth 266.2 degrees toward Ovando, Mont., 2116.8H MHz on azimuth 342.6 degrees toward Double Arrow passive reflector and from passive reflector to Seeley Lake, Mont. on azimuth 53.6 degrees, 2123.2V MHz on azimuth 199.4 degrees toward Camas Creek, passive reflector and from passive reflector to Potomac, Mont. on azimuth 354.7 degrees, 2128.8H MHz on azimuth 346.4 degrees toward Cooney Crk. passive reflector and from passive reflector to Condon, Mont. on azimuth 252.3 degrees, 11525V and 11285H MHz on azimuth 244.9 degrees toward Missoula 2 passive reflector and from passive reflector to Missoula, Mont. on azimuth 244.5 degrees.

MT—1359-CF-P-78 Same (New) Ovando (Powell) Mont. Lat. 47°01'11" N. Long. 113°06'42" W. CP for a new station on frequency 2162V MHz on azimuth 86.0 degrees toward Blanchard, Mont.

MT—1360-CF-P-78 Same (New) Seeley Lake, (Missoula) Mont. Lat. 47°11'11" N. Long. 113°29'12" W. CP for a new station on frequency 2166.8H MHz on azimuth 233.6 degrees toward Double Arrow passive reflector and from passive reflector to Seeley Lake, Mont. on azimuth 53.6 degrees.

MT—1361-CF-P-78 Same (New) Potomac, (Missoula) Mont. Lat. 46°52'52" N. Long. 113°33'47" W. CP for a new station on frequency 2173.2V MHz on azimuth 174.7 degrees toward Camas Creek passive reflector, and from passive reflector to Blanchard, Mont. on azimuth 19.3 degrees.

MT—1362-CF-P-78 Same (New) Condon, (Missoula) Mont. Lat. 47°31'40" N. Long. 113°42'32" W. CP for a new station on frequency 2178.8H MHz on azimuth 72.3 degrees toward Cooney Creek, passive reflector and from passive reflector to Blanchard, Mont. on azimuth 166.2 degrees.

MT—1363-CF-P-78 Same (New) Avon, (Powell) Mont. Lat. 46°35'57" N. Long. 112°35'49" W. CP for a new station on frequency 2168.4H MHz on azimuth 201.8 degrees toward SP. Dog Creek passive reflector and from passive reflector to Helena Jct., Mont. on azimuth 87.9 degrees.

VA—1547-CF-P-78 American Telephone & Telegraph Co. (KIN93) 4 Miles West of Aylett, (King William) Va. Lat. 37°47'34" N. Long. 77°10'38" W. CP to change polarization from V to H on frequencies 3710, 3790, 3870, 3950, 4030, 4110, MHz and H to V on frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Oak Grove, Va.

VA—1548-CF-P-78 Same (KIN92) 5.0 Miles SE of Oak Grove, (Westmoreland) Va. Lat. 38°08'57" N. Long. 76°54'56" W. CP to change polarization from V to H on frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz, change polarization from H to V on frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Aylett, Va.

WWI—1556-CF-P-78 Wisconsin Telephone Co. (KS086) Osborn 3.7 Miles SW of Seymour, (Seymour) Wis. Lat. 44°27'58" N. Long. 88°21'47" W. CP to add antennas and frequencies on 6004.5H and 10895V MHz on azimuth 79.5 degrees toward Green Bay, Wis.

WI—1557-CF-P-78 Same (KS087) 205 S. Jefferson Street Green Bay, (Brown) Wis. Lat. 44°30'43" N. Long. 88°00'50" W. CP to add antennas and frequencies on 6345.5H and 11545V MHz on azimuth 259.7 degrees toward Osborn, Wis.

WI—1065-CF-MP-78 Midwestern Relay Co. (WLJ 55) Rib Mtn., WAOW (TV) transmitter, Wausau, Wis. (Lat. 44°55'15" N.—Long. 89°41'30" W.): Modification of construction permit to increase antenna structure height and to change antenna system.

WI—1066-CF-MP-78 Same (WCG 322) Tims Hill, 3 miles West of Spirit, Wis. (Lat. 45°56'30" N.—Long. 90°15'30" W.): Modification of construction permit to change antenna system.

MT—1563-CF-P-78 Teleprompter Transmission of Kansas, Inc. (KPB 51) Mt. Royal, 28 miles NNW of Chester, Mont. (Lat. 48°51'16" N.—Long. 111°08'33" W.): Construction permit to change receive site and to increase the receive site antenna system at Havre, Mont.

WA—1529-CF-P-78 Western Tele-Communications, Inc. (WCF 957) 2 miles South of Issaquah, Wash. (Lat. 47°30'09" N.—Long. 122°01'37" W.): Construction permit to change frequency to 10895H MHz toward Seattle R1s, Wash., via passive reflector located at Tiger Mountain, Wash.

NE—1530-CF-P-78 Mountain Microwave Corp. (KZA 62) Manchester, 14 miles SW of Chadron, Neb. (Lat. 42°38'02" N.—Long. 103°06'07' W.): Construction permit to add 6005V, 6050H and 6167.6H MHz toward Hemingford, Neb. via power split, on azimuth 176.8 degrees and to change polarity and increase power toward existing points of communications located at Crawford, Gordon, Rushville, Chadron, all in Neb. & Pine Ridge, S.C.

PA—1583-CF-P-78 Eastern Microwave, Inc. (KZA 85) Boone Mtn., Kersey Road-5 miles East of Brockport, Pa. (Lat. 41°14'56" N.—Long. 78°38'33" W.): Construction permit to add 6049H MHz toward Brookville, Pa., via power split, on azimuth 258.1 degrees.

[FR Doc. 78-7045 Filed 3-15-78; 8:45 am]

[6712-01]

[Report No. I-444]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

MARCH 3, 1978.

The Applications listed herein have been found, upon initial review, to be Acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned Call Signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

349-DSE-ML-78 Exxon Communications Co. (WD33) Various locations throughout the U.S. modification of license to add frequencies in Transponder 15, increase the area of operation to include waters adjacent to the Alaskan Coast and to receive authority to communicate from its Anchorage, Alaska Office directly to its Earth Station WD33.

350-DSE-ML-78 Exxon Communications Co. (WD32) Various locations throughout the U.S. modification of license to add frequencies in Transponder 15, increase the area of operation to include waters adjacent to the Alaskan Coast and to receive authority to communicate from its Anchorage Alaska Office directly to its Earth Station WD32.

000340-DSE-P/L-78 KG46, American Satellite Corp. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Kaena Point, Honolulu, Hawaii. 21°33'51" N Lat. 158°14'29" W Long. Particulars of operation: 5925.000-6425.000 MHZ 2500F9Y 55.00 DBW. Antennas: 10.0 meters, andrew ESA 10-46. This is a major application within the meaning of section 1.1305 of the rules on environmental processing.

000342-DSE-P/L-78 KG47, Community Tele-Communications, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Riverton, Fremont, Wyo. 43°1'34" N Lat. 108°23'14" W Long. Particulars of operation: 3700.000-4200.000 MHZ 36009F9—DBW. Antennas: 5.0 meters, Scientific Atlanta model 8008.

000344-DSE-P/L-78 KG48, Com-West, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Muskogee, Muskogee, Okla. 35°44'55" N Lat. 95°21'20" W Long. Particulars of operation: 3700.000-4200.000 MHZ 36000F9—DBW. Antennas: 5.0 meters Scientific Atlanta model 8008.

000343-DSE-P/L-78 KG49, Community Tele-Communications, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Anaconda, Deer Lodge, Mich. 46°7'46" N Lat. 112°57'9" W Long. Particulars of operation: 3700.000-4200.000 MHZ 36000F9—DBW. Antennas: 5.0 meters Scientific Atlanta model 8008.

000347-DSE-P/L-78 KG50, Rolla Cable System, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Rolla, Pheips, Mo. 37°57'37" N Lat. 91°46'40" W Long. Particulars of operation: 3700.000-4200.000 MHZ 36000F9—

DBW. Antennas: 5.0 meters Scientific Atlanta model 8008B.

000353-DSE-P/L-78 KG61, Kay-B-L Vision, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Storm Lake, Buena Vista, Iowa. 42°39'40" N Lat. 95°12'40" W Long. Particulars of operation: 3700.000-4200.000 MHZ 36000F9—DBW. Antennas: 5.0 meters Scientific Atlanta model 8008.

000354-DSE-P/L-78 KG62, Camellia City Telecasters, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Sacremento, Sacremento, Calif. 38°31'30" N Lat. 121°26'54" W Long. Particulars of operation: 3700.000-4200.000 MHZ 36000F9—DBW. Antennas: 10.0 meters Scientific Atlanta model 8002. This is a major application within the meaning of section 1.1305 of the rules on environmental processing.

000341-DSE-P/L-78 WG54, Sammons Communications of Virginia, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Covington, Alleghany, Va. 37°46'31" N Lat. 79°56'29" W Long. Particulars of operation: 3700.000-4200.000 MHZ 36000F9—DBW. Antennas: 5.0 meters, Scientific Atlanta model 8008B.

000345-DSE-P/L-78 WG55, Barbourville Cable TV, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Barbourville, Knox, Ky. 36°48'40" N Lat. 83°50'20" W Long. Particulars of operation: 3700.000-4200.000 MHZ 36000F9—DBW. Antennas: 6.0 meters R F System model 806-6-6M.

000346-DSE-P/L-78 WG56, Glasgow Cable TV, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Glasgow, Barren, Ky. 37°1'12" N Lat. 85°53'39" W Long. Particulars of operation: 3700.000-4200.000 MHZ 36000F9—DBW. Antennas: 6.0 meters R F System model 806-6-6M.

000351-DSE-P/L-78 WG68, Forest Cable TV Co. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Forest, Scott, Miss. 32°22'36" N Lat. 89°29'0" W Long. Particulars of operation: 3700.000-4200.000 MHZ 0036000F9—DBW. Antennas: 5.0 meters Scientific Atlanta model 8008B.

000352-DSE-P/L-78 WG69, Cablevision of Fredricksburg, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Fredricksburg, Stafford, Va. 38°18'50" N Lat. 77°26'18" W Long. Particulars of operation: 3700.000-4200.000 MHZ 0036000F9—DBW. Antennas: 5.0 meters, Scientific Atlanta model 8008.

[FR Doc. 78-7044 Filed 3-15-78; 8:45 am]

[6712-01]

[CT Docket No. 78-90, CSC-193; (NY0204)]

MARGARETVILLE TEL VIZ, INC.

Petition for Order To Show Cause

Adopted: March 6, 1978.

Released: March 10, 1978.

1. The Board of Cooperative Educational Services (BOCES) and Southern Tier Educational Television Association, licensee of Television Broadcast Station WSKG (Educ., Channel 46), Binghamton, N.Y., have petitioned the Commission for an order to show cause against Margaretville Tel Viz, Inc. BOCES is the licensee of 100-watt Translator Station W69AI, which has been licensed by the Commission to serve Margaretville, N.Y. and two other communities. W69AI rebroadcasts several area educational television stations including WSKG. Tel Viz, Inc. operates a cable television system serving Margaretville. Section 76.57(a)(2) of the Commission's Rules requires Tel Viz to carry, upon request, the signals of "[t]elevision translator stations with 100 watts or higher power serving the [cable] community * * *." Despite requests, Tel Viz has failed to implement carriage of W69AI. It did not file comments in this proceeding.

2. For the reasons stated above, it appears that Tel Viz is violating Section 76.57(a)(2) of the Commission's Rules. Thus, an order to show cause will be issued. The cable system, which has not been represented by counsel, is reminded that Section 1.91(c) of the Rules provides that, to avail itself of the opportunity of a hearing, a written notice stating an intention to appear at the hearing must be filed with the Commission within a specified period of 30 days from the mailing of the order. Further, in accordance with Section 1.92 of the Rules, if the hearing is waived, a written statement may be submitted within the time specified above which may deny or seek to mitigate or justify the circumstances or conduct complained of in the order to show cause.

Accordingly, *It is ordered*, That the petition for order to show cause filed jointly by the Board of Cooperative Educational Services and Southern Tier Educational Television Association (CSC-193) is granted.

It Is Further Ordered, That pursuant to Sections 312 (b) and (c) and 409(a) of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b), (c) and 409(a), Margaretville Tel Viz, Inc. is directed to show cause why it should not be ordered to cease and desist from further violation of Part 76 of the Commission's Rules and Regulations on its cable television system at Margaretville, N.Y.

It Is Further Ordered, That Margaretville Tel Viz is directed to appear and give evidence with respect to the matters described above at a hearing to be held at a time and place and before an Administrative Law Judge to be specified by subsequent order, unless hearing is waived, in which event a written statement may be submitted.

It Is Further Ordered, That the Board of Cooperative Educational Services and the Southern Tier Educational Television Association, Inc., are made parties to this proceeding.

It Is Further Ordered, That the Chief, Cable Television Bureau, shall send copies of this order by certified mail, return receipt requested, to Margaretville Tel Viz, Inc., the Board of Cooperative Educational Services, and Southern Tier Educational Television Association.

FEDERAL COMMUNICATIONS COMMISSION,
JEROLD L. JACOBS,
Deputy Chief,
Cable Television Bureau.

[FR Doc. 78-7043 Filed 3-15-78; 8:45 am]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

BANCO CREDITO Y AHORRO PONCENO, PONCE, PUERTO RICO

Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that the summary suspension of trading in the common stock of Banco Credito Y Ahorro Ponceno of the Commonwealth of Puerto Rico being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 12(i) and 12(k) of the Securities Exchange Act of 1034, trading in such securities otherwise than on a national securities exchange is suspended for the period beginning at 9:00 a.m. (e.s.t.) on March 13, 1978 and ending upon termination of the suspension by the Federal Deposit Insurance Corporation or March 23, 1978, whichever occurs first.

By order of the Board of Directors, March 10, 1978.

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

[FR Doc. 78-6856 Filed 3-15-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

EVEREST BANCSHARES, INC.

Formation of Bank Holding Company

Everest Bancshares, Inc., Everest, Kans., has applied for the Board's ap-

proval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of the Union State Bank of Everest, Everest, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than April 7, 1978.

Board of Governors of the Federal Reserve System, March 13, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-6999 Filed 3-15-78; 8:45 am]

[6210-01]

FIRST NATIONAL HAMILTON BANKSHARES, INC.

Formation of Bank Holding Company

First National Hamilton Bankshares, Inc., Hamilton, Kans., has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.1 percent or more (less directors' qualifying shares) of the voting shares of the First National Bank of Hamilton, Hamilton, Kans. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 30, 1978.

Board of Governors of the Federal Reserve System, March 10, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-6898 Filed 3-15-78; 8:45 am]

[6820-25]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 54]

CALIFORNIA PUBLIC UTILITIES COMMISSION, PACIFIC TELEPHONE & TELEGRAPH CO.

Proposed Intervention in Rate Increase Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the California Public Utilities Commission for an increase in its tariffed rates for intrastate telecommunications service. The Administrator of General Services represents the interests of the executive agencies of the United States Government, as users of utility services.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets NW., Washington, D.C. 20405, telephone 202-566-0726, on or before April 17, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)).)

Dated: March 6, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-6947 Filed 3-15-78; 8:45 am]

[6820-25]

[Intervention Notice 53; Docket No. 78-0034]

ILLINOIS COMMERCE COMMISSION, ILLINOIS BELL TELEPHONE CO.

Proposed Intervention in Rate Increase Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Illinois Commerce Commission involving an application of Illinois Bell Telephone Co. for an increase in its tariffed rates for intrastate telecommunications service. The Administrator of General Services represents the interests of the executive agencies of the United States Government as users of utility services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets NW., Washington, D.C. 20405, telephone 202-566-0726, on or before April 17, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)).)

Dated: March 3, 1978.

JAY SOLOMON,
Administrator of General Services

[FR Doc. 78-6946 Filed 3-15-78; 8:45 am]

[6820-28]

Federal Preparedness Agency

CONTINUATION OF ADVISORY COMMITTEES

In accordance with the review of Federal Advisory Committees, required by Transmittal Memorandum No. 5, OMB Circular No. A-63 of March 7, 1977, notice is hereby given to provide the public an opportunity to comment on the continuation of the Program Advisory Committee and the National Health Resources Advisory Committee of the Federal Preparedness Agency, GSA.

Interested persons may comment on this proposal, including recommendations for continuance or termination, by writing to Federal Preparedness Agency (EE), General Services Administration, Washington, D.C. 20405 by March 17, 1978.

Dated: March 7, 1978.

JOSEPH A. MITCHELL,
Director, Federal Preparedness Agency, General Services Administration.

[FR Doc. 78-6948 Filed 3-15-78; 8:45 am]

[6820-23]

Public Buildings Service

[Wildlife Order 134]

PORTION, CORNHUSKER ARMY AMMUNITION PLANT, GRAND ISLAND, NEBRASKA D-NEBR-444H

Transfer of Property

Pursuant to Section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated December 5, 1977, the property comprising approximatley 27.28 acres of unimproved land identified as a portion of the Cornhusker Army Ammunition Plant, Grand Island, Nebr., has been conveyed to the State of Nebraska.

2. The above-described property was conveyed for wildlife conservation purposes in accordance with the provi-

sions of Section 1 of said Pub. L. 80-537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: March 2, 1978.

JAMES B. SHEA, Jr.,
Commissioner,
Public Buildings Service.

[FR Doc. 78-6949 Filed 3-15-78; 8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses

AGENCY: Department of Health, Education, and Welfare; Health Care Financing Administration.

ACTION: Notification of new systems of records, lump-sum reimbursement method for physician extenders delivering independent Medicare services HCFA Number 09-70-0003.[1]

SUMMARY: A new system of records of the Health Care Financing Administration is hereby published in accordance with the requirements of 5 U.S.C. 522a(e)(4) (Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896). In accordance with the provisions of 5 U.S.C. 552a(e)(11), the routine uses of these additional systems are set out for public comment. Interested persons are invited to submit written comments with respect to these routine uses.

DATES: The routine uses of this new system of records will become effective as proposed without further notice in 30 calendar days from the date of this publication (April 15, 1978), unless comments are received on or before April 15, 1978, which would result in a contrary determination. A new system report was filed for this new system with the Director, Office of Management and Budget, the Speaker of the House, and the President of the Senate on December 30, 1977.

ADDRESS: Comments should be addressed to Privacy Officer, Office of Management and Budget, Health Care Financing Administration, 330 C Street SW., Washington, D. C. 20201. Comments received will be available for inspection in Room 4200-B, Mary E. Switzer Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

Mel Gangestad, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room 4200-B, Mary E. Switzer Building, 330 C Street SW., Washington, D. C. 20201, or call 202-245-0621.

SUPPLEMENTARY INFORMATION: The Health Care Financing Administration, Department of Health, Education, and Welfare, proposes to initiate a new system of collecting data under the Medicare national Physician Extender Reimbursement Study (PERS). The purpose of this system, which involves several categories of individuals, is to provide essential data to determine under what circumstances Medicare, Medicaid, and other Federal health insurance programs should reimburse employers for physician extender (PE) services and the most appropriate, equitable, and noninflationary methods and amounts of that reimbursement. The results of this study will have direct impact on policy decisions for physician extender reimbursement.

Although the collection of this experimental data may invade the privacy of the physicians and physician extenders who elect to participate, any such invasion would be minimal. The utility of the information in evaluating the future role of physician extenders is considered to outweigh the slight risk of infringement of any individual's privacy.

Unauthorized access to the system is precluded by restricting the number and location of system tapes and by partitioning the system into sub-sets of data, that is, segregating the data tapes by specific characteristics to reduce risk of unauthorized access to the entire system at one time. ADP systems security procedures will be rigidly enforced. Any published data will be in a summary format that precludes individual identification. Specifications are indicated in the following system of records notice.

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

09-70-0003

System name:

Lump-Sum Reimbursement Method for Physician Extenders Delivering Independent Medicare Services, HEW/HCFA/OPPR.

Security classification:

None.

System location:

Health Services Studies Branch (HSSB), Division of Direct Reimbursement (DDR), Health Care Financing Administration (HCFA), 6401 Security Boulevard, Baltimore, Md. 21235.

Categories of individuals covered by the system:

Physicians, physician extenders, and Medicare beneficiaries who participate in the Physician Extender Reimbursement Study.

Categories of records in the system:

Demographic, economic and patient care data involving Medicare covered services delivered by a physician extender.

Authority for maintenance of the system:

Section 402(a) of the 1967 Amendments to the Social Security Act, as amended by Section 222(b)(1) of the 1972 Amendments to the Social Security Act, Pub. L. 92-603. This amendment adds section 402(a)(1)(C), which authorizes PE reimbursement experimentation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) The Division of Direct Reimbursement (DDR), HCFA, will act as a carrier making reimbursement to physician practices. The Office of Policy, Planning, and Research (OPPR), HCFA, coordinates all baseline data collection, reimbursement, and evaluation activities. System Sciences, Inc. (SSI) is under contract with HCFA for the performance of validation and evaluation functions.

(b) Disclosure may be made to a congressional office from the record of an indiviual in response to an inquiry from the congressional office made at the request of that individual.

(c) In event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

During the operational phase of the experiment, hard copy cost forms will be kept in secure storage spaces. Completed data tapes will be maintained in secure storage areas in the tape library in HCFA.

Retrievability:

Records are retrievable in the following manner: Beneficiary information by health insurance claim number; physician informaion by pro-

[1] New HCFA control number assigned, due to internal DHEW organization.

vider number and practice number; physician extender information by PE identification number.

Safeguards (access controls):

All records will be retained in secure storage areas accessible only to authorized persons within the offices of DDR and OPPR. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. After the magnetic tapes are prepared for validation and evaluation by SSI, they are to be returned to HCFA and retained in secure storage areas until December 31, 1982. At this time hard copy collection forms will be destroyed and the magnetic data tapes will be erased by degaussing.

For computerized records, where appropriate, ADP systems security procedures will be instituted with reference to guidelines contained in DHEW Information Processing Standards Publication 3 (IPS PUB 3) and the National Bureau of Standards Federal Information Processing Standards Publications (FIPS PUB 41 and FIPS PUB 31) (e.g., use of password access). By taking all the aforementioned precautions, we have reduced the risk of unauthorized access to a minimum.

Retention and disposal:

Hard copy cost collection forms and magnetic data tapes with identifiers will be retained in secure storage areas. The disposal technique of degaussing will be used to strip magnetic tape of all identifying names and numbers in December 1982.

System manager(s) and address (include ZIP Code):

Acting Assistant Administrator for Demonstrations and Evaluations, Health Care Financing Administration, Switzer Building, Room 5074, 330 C Street SW., Washington, D.C. 20201.

Notification procedure:

Any physician, physician extender or Medicare beneficiary who participates in this new system as a provider or a recipient of service may request his data record in writing. This request should be addressed to the system manager, who will require the name and business address of the physician practice where the services were delivered.

Record access procedures:

Same as notification procedure. Requester should also reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2) FEDERAL REGISTER, October 8, 1975, page 47410).

Contesting record procedures:

Contact the system manager at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7 FEDERAL REGISTER, October 8, 1975, page 47411).

Record source categories:

Completed cost forms are submitted by participating physician practices. Physician practices consist of one supervising physician and at leat one physician extender including nurse practitioners, physician assistants, and Medexes. Billing records are submitted by participating physician practices on behalf of Medicare beneficiaries receiving physician extender services.

Systems exempted from certain provisions of the Act:

None.

[FR Doc. 78-6855 Filed 3-15-78; 8:45 am]

[4110-85]

Office of the Secretary

PUBLIC HEALTH CONFERENCE ON RECORDS AND STATISTICS

Conference

The Assistant Secretary for Health announces the dates and other information for the following conference scheduled to assemble during the month of June 1978:

Name: Public Health Conference on Records and Statistics.
Date and Time: June 5-7, 1978, 9:00 a.m.
Place: Hyatt Regency Hotel, 400 New Jersey Avenue NW., Washington, D.C. 20001.
Open to the Public (registration required).
Purpose: The Seventeenth National Meeting of the Public Health Conference on Records and Statistics (PHCRS) sponsored by the National Center for Health Statistics and co-sponsored by the Health Resources Administration's Bureaus of Health Manpower and Health Planning and Resources Development, will be held on June 5-7, 1978. This biennal Conference is recognized as the principal national meeting for workers in the field of public health statistics. The theme of this year's Conference is "The Peoples' Health: Facts, Figures, and the Future." The subject matter for this Conference will deal with the areas of health status indicators, data on utilization of health services, health expenditures data, health resources data and environmental health data.

Anyone wishing to obtain an agenda, registration information or other relevant information concerning the Conference should contact: Conference Management Branch, National Center for Health Statistics, Room 2-12, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone 301-436-7122.

Dated: March 7, 1978.

WAYNE RICHEY, Jr.,
Acting Associate Director for Management, Office of Health Policy Research and Statistics.

[FR Doc. 78-6791 Filed 3-15-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-07702]

IDAHO

Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 8,1978.

Notice of an application, serial number I-07702, for withdrawal and reservation of lands was published as Federal Register Document No. 57-10252 on page 9949 of the issue for December 12, 1957. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 10 a.m. on April 6, 1978 relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN

BOISE NATIONAL FOREST

T. 13 N., R. 8 E.,
Sec. 31, W½SE¼SW¼
T. 12 N., R. 8 E.,
Sec. 6, W½NW¼NW¼

The area described aggregates 40 acres in Valley County.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-6792 Filed 3-15-78; 8:45 am]

[4310-84]

Bureau of Land Management

NEVADA

Redelegation of Authority to District Managers

MARCH 10, 1978.

Pursuant to Redelegation of Authority granted under Bureau Order 701 dated July 23, 1964 as amended in Section 1.2 (h), authority is redelegated to District Managers in Nevada as follows: District Managers may enter into cooperative agreements with heads of local governments and their agencies, local organizations and individuals within the District Manager's area of jurisdiction.

Cooperative agreements may not be entered into which contemplate the exchange of funds in payment for sup-

plies or services to be rendered. Such agreements constitute Interagency Agreements or Memorandums of Understanding, and must be referred to the State Director for Economy Act determination.

E. I. ROWLAND,
State Director, Nevada.

[FR Doc. 78-6950 Filed 3-15-78; 8:45 am]

[4310-84]

[Wyoming 62909]

WYOMING

Application

MARCH 8, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colo. has filed an application for a right-of-way to construct a 6⅝" O.D. and 1" O.D. pipeline and appurtenant facilities for the purpose of transporting "sour" natural gas and "sweet" fuel gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.,
Sec. 2, Lots 5, 6, and S½NE¼.

The pipeline will transport "sour" natural gas from a point of connection with an existing "sour" gas line in the NE¼ of section 2 in a northeasterly direction to a well head. A "sweet" fuel gas line also located in the NE¼ of section 2, T. 18 N., R. 98 W., Sweetwater County, Wyoming, will extend from an existing F47 line northwesterly to a point of connection with the "sour" natural gas line.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-6793 Filed 3-15-78; 8:45 am]

[4310-84]

[Wyoming 60313; Amendment]

WYOMING

Application

MARCH 6, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Company of Salt Lake City, Utah has filed an amended application for a right-of-way to construct a 4½ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 113 W.,
Sec. 8, E½NE¼;
Sec. 9, SW¼NW¼.

The pipeline will transport natural gas from a well in the E½NE¼ section 8 to an existing line in section 9, T. 27 N., R. 113 W., Sublette County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-6794 Filed 3-15-78; 8:45 am]

[4310-84]

[Wyoming 62548]

WYOMING

Application

MARCH 6, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colo., has filed an application for a right-of-way to construct a 6⅝ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 90 W.,
Sec. 12, Lots 3, 4, and SW¼SE¼;
Sec. 13, Lots 1, 2 and 3 and NW¼NE¼.

The pipeline will transport natural gas from the No. 1-13 Ervin (Lance) well in the SE¼ of Section 13 in a generally northerly direction to a point of connection with an existing facility in the NE¼ of Section 12, T. 38 N., R. 90 W., Fremont County, WY.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-6795 Filed 3-15-78; 8:45 am]

[4310-84]

[Wyoming 62910]

WYOMING

Application

MARCH 7, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado has filed an application for a right-of-way to construct a 6⅝ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.,
Sec. 32, S½NE¼.

The pipeline will transport natural gas from the Higgins No. 7 well located in the NW¼ of section 33 in a westerly direction to the point of connection with their proposed natural gas pipeline in section 32, T. 18 N., R. 98 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-6796 Filed 3-15-78; 8:45 am]

[4310-55]

Texas

Application; Correction

In FR Doc. 78-4792 appearing at page 7479 in the issue for Thursday, February 23, 1978, make the following correction:

Notice is given under "Section 28" of the Mineral Leasing Act.

The proposed 3-inch pipeline would convey the liquid petroleum 8 miles to a

product loading terminal located outside the boundaries of the Aransas National Wildlife Refuge.

Interested persons desiring to express their views should do so within thirty (30) days and send their name and address to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103.

Dated: March 8, 1978.

W. O. NELSON, Jr.,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc. 78-6797 Filed 3-15-78; 8:45 am]

[4310-31]

Geological Survey

BULL MOUNTAINS, MONT.

Known Recoverable Coal Resource Area

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of Montana have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Bull Mountains (Mont.) known recoverable coal resource area; November 8, 1976: 87,153 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, Central Region, MS 609, Box 25046, Federal Center, Denver, Colo. 80225.

Dated: March 8, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-6800 Filed 3-15-78; 8:45 am]

[4310-31]

CIRCLE, MONT.

Known Recoverable Coal Resource Area

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. 94-377, August 4, 1976), Federal lands within the State of Montana have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Circle (Mont.) known recoverable coal resource area; January 3, 1977: 449,180 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, Colo. 80225.

Dated: March 8, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-6801 Filed 3-15-78; 8:45 am]

[4310-31]

[Order Colorado No. 140]

COAL LAND CLASSIFICATION

Correction

In FEDERAL REGISTER Doc. 77-20242, appearing at page 36319 of the issue for Thursday, July 14, 1977, the following change should be made:

Under *"Reclassified Coal Land from Noncoal Land:* T. 2 N., R. 104 W.," the 6th line should read as follows:

Sec. 13, SW¼NE¼, N½NW¼.

Dated: March 8, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-6799 Filed 3-15-78; 8:45 am]

[4310-31]

NTL-1 AND NTL-1A ONSHORE FEDERAL AND INDIAN OIL AND GAS LEASES

Request for Comments

NTL-1 and NTL-1A prescribes procedures for reporting and accounting for oil and gas royalties for onshore Federal and Indian leases, respectively. On January 25, 1977, the Geological Survey published the final NTL-1 pertaining to Federal leases (42 FR 4546) with the advice that a formal review of the procedures would be conducted during December of 1977. On April 25, 1977, NTL-1A, pertaining to Indian leases, was published (42 FR 18135) with the same advice. The prescribed review period has been extended with the consent of the Office of Management and Budget. The purpose of this notice is to request and encourage comments from involved parties concerning their practical experience with the system and the associated reporting forms.

The royalty accounting system, in effect prior to issuance of NTL-1 and NTL-1A, was basically the same system that was implemented in 1920, modified to accommodate areal preference in methodology and to conform, in part, to similar reports required by various State and local government entities. However, because of the volume of data being reported monthly and the diversity of leases, areas, and operators, the Geological Survey undertook to standardize its procedures in accordance with the recommendations made by the Office of Audit and Investigation. That effort culminated in the issuance of NTL-1 and NTL-1A and the adoption of the revised forms 9-329, 9-361, and 9-614-A, and the new form 9-1926. The Geological Survey recognized in adopting these new procedures that it would be necessary to review the requirements of the NTL's and the associated reporting forms after sufficient practical experience had been gained in order to determine whether any unnecessary or unrealistic burdens had been imposed on the operators.

Accordingly, the Geological Survey earnestly solicits the written comments, recommendations, and objections concerning the requirements of NTL-1, NTL-1A, and the asssociated reporting forms as to possible modification thereto which would ease industry's reporting burden but still provide the necessary data to permit the Geological Survey to discharge its reponsibility. These comments, identified by subject matter, should be addressed to Acting Chief, Conservation Division, U.S. Geological Survey, National Center (650), Reston, Va. 22092, and should be received on or before April 15, 1978.

Dated: March 9, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-6829 Filed 3-15-78; 8:45 am]

[4310-31]

[Coal Land Classification Order Utah No. 119]

UTAH

Coal Land Classification Order, Correction

In FEDERAL REGISTER Doc. 77-20370, appearing at page 36569 of the issue for Friday, July 15, 1977, the following change should be made:

Under *"Coal Land:* T. 38 S., R. 3 W.," the 1st, 2nd, and 3rd lines should read as follows:

Sec. 5, lots 2 to 4, inclusive, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;

Dated: March 8, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-6798 Filed 3-15-78; 8:45 am]

[4310-10]

Office of the Secretary

BUREAU OF INDIAN AFFAIRS REORGANIZATION TASK FORCE

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the final meeting of the Bureau of Indian Affairs Reorganization Task Force has been scheduled for March 31, 1978, at 10 a.m. in room 5160, Main Interior Building, 18th and C Streets NW., Washington, D.C.

The purpose of the meeting is to make the presentation of recommendations of the task force.

Persons wishing further general information concerning these conferences may contact Mandy Balch, Bureau of Indian Affairs Reorganization Task Force, room 7353, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4118.

Dated: March 8, 1978.

MANDY BALCH,
BIA Reorganization Task Force.

[FR Doc. 78-6802 Filed 3-15-78; 8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

Meeting; Correction

In FR Doc. 78-5556 appearing at page 8861 in the FEDERAL REGISTER of March 3, 1978, the exemption claim for closing the April 3, 1978 meeting is changed to 5 U.S.C. 552b(c)(9)(B).

Dated: March 13, 1978.

LESLIE S. SHAPIRO,
Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 78-7046 Filed 3-15-78; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

LEGAL AID SOCIETY OF METROPOLITAN DENVER

Grants and Contracts

MARCH 10, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977), Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Society of Metropolitan Denver in Denver, Colo. to serve Douglas County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colo. 80202.

THOMAS EHRLICH,
President.

[FR Doc. 78-6850 Filed 3-15-78; 8:45 am]

[6820-35]

TIDEWATER LEGAL AID SOCIETY IN NORFOLK, VA.

Grants and Contracts

MARCH 10, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Tidewater Legal Aid Society in Norfolk, Va., to serve the city of Portsmouth.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Va. 22209.

THOMAS EHRLICH,
President.

[FR Doc. 78-6849 Filed 3-15-78; 8:45 am]

[1410-03]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

PHOTOCOPYING SUBCOMMITTEE DRAFT REPORT

Availability: Public Comments

The National Commission on New Technological Uses of Copyrighted Works (CONTU) has authorized the distribution for public comment of a draft report of its Subcommittee on Photocopying. The Commission as a whole has not approved this report and will not act on it until comments have been received from interested parties. Persons wishing to receive a copy of this document for purposes of making comments should write or telephone the Commission, Washington, D.C. 20558, telephone: 202-557-0996. Written comments on the Subcommittee report must be received by April 14, 1978.

Persons wishing to present oral testimony on this report should make their requests to Arthur J. Levine, Executive Director of the Commission by April 7, 1978; and oral testimony may be scheduled by the Commission at its April 20-21 meeting in the Wilson Room, Library of Congress, Washington, D.C.

ARTHUR J. LEVINE,
Executive Director, National Commission on New Technological Uses of Copyrighted Works.

[FR Doc. 78-6858 Filed 3-15-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

MARCH 11, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Public Programs Panel will be held at WPBT-TV/Channel 2, 14901 20th Avenue, Miami, Fla. in the boardroom, from 8:45 a.m. to 6 p.m. on April 11 and 12, 1978.

The purpose of the meeting is to review Public Programs applications in

support of film, TV, and radio humanities programs, which were submitted to the National Endowment for the Humanities and which will begin after September 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-7067 Filed 3-15-78; 8:45 am]

[7536-01]

RESEARCH GRANTS PANEL ADVISORY COMMITTEE

Meeting

MARCH 10, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held qt 806 15th Street, NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on March 31, 1978.

The purpose of the meeting is to review the computer methodology of applications submitted to the Research Materials Programs of the National Endowment for the Humanities for projects beginning after October 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc.78-7066 Filed, 3-15-78; 8:45 am]

[7536-01]

National Endowment for the Arts

THEATRE ADVISORY PANEL

Meeting

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theatre Advisory Panel to the National Council on the Arts will take place March 31, 1978, from 9:00 a.m.-5:30 p.m.; April 1, 1978, from 9:00 a.m.-5:30 p.m.; April 2, 1978, from 9:00 a.m.-5:30 p.m.; and April 3, 1978, from 9:00 a.m.-5:30 p.m., in Room 1426, of the Columbia Plaza Office Building, 2401 E Street, Northwest, Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9 (B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

MARCH 3, 1978.

[FR Doc. 78-6859 Filed 3-15-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) (the facility) located in Pope County, Ark. The amendment is effective as of its date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facilty. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 16, 1977, and supplement thereto dated January 17, 1978, (2) the Commission's letters dated October 21, 1976, and November 28, 1977, (3) Amendment No. 30 to License No. DPR-51, (4) the Commission's related Safety Evaluation issued as an enclosure to the Commission's November 28, 1977 letter, and (5) the currently issued supplement to item (4). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Ark. 72801. A single copy of items (2) through (5) above may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3rd day of March, 1978.

For the Nuclear Regultory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-6841 Filed 3-15-78; 8:45 am]

[7590-01]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-26, issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, N.Y. The amendment is effective as of the date of issuance.

The amendment deletes requirements in the Technical Specifications for part length control rods on the basis that they are not needed for reactor operation and their drop into the core could cause abnormal flux distribution and/or reactor shutdown.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment transmitted by letter dated November 2, 1977, (2) Amendment No. 38 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commissioner's Public Document Room, 1717 H Street NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of March 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-6844 Filed 3-15-78; 8:45 am]

[7590-01]

[Docket Nos. 50-10, 50-237, 50-249, 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued an amendment each to Facility Operating License Nos. DPR-2, DPR-19, DPR-25, DPR-29, and DPR-30, issued to Commonwealth Edison Co. (and, in the matter of License Nos. DPR-29 and DPR-30, the Iowa-Illinois Gas and Electric Co.), which revised Technical Specifications for operation of each of the Dresden and Quad Cities Nuclear Power Stations (collectively referred to as the facilities). The Dresden Station consists of Unit Nos. 1, 2, and 3 and is located in Grundy County, Ill. The Quad Cities Station consists of Unit Nos. 1 and 2 and is located in Rock Island County, Ill. These amendments are effective as of their date of issuance.

The amendments consist of administrative changes to the Technical Specifications for the facilities that:

1. Deleted the requirement for an Annual Operating Report, while retaining the specific requirement for an Annual Operating Report of Occupational Exposure;

2. Modified the submittal date for the Monthly Operating Report to the 15th instead of the 10th of the month following the calendar month covered by the report; and

3. Deleted reference to respiratory protection equipment since this item is now covered by 10 CFR 20.103 of Part 20 of the Commission's regulations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated December 6, 1977, (2) Amendment Nos. 24, 35, and 32 to License Nos. DPR-2, DPR-19, and DPR-25, (3) Amendment Nos. 44 and 42 to License Nos. DPR-29 and DPR-30, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and for those items relating to Dresden Unit Nos. 1, 2, and 3 at the Morris Public Library, 604 Liberty Street, Morris, Ill. 60450 and for those items relating to Quad Cities Unit Nos. 1 and 2 at the Moline Public Library, 504 17th Street, Moline, Ill. 60625. A single copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 1st day of March, 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-6843 Filed 3-15-78; 8:45 am]

[7590-01]

[Docket No. 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Co. (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Co.), which revised the license and Technical Specifications appended thereto for operation of the Quad Cities Nuclear Power Station Unit No. 2 (the facility) located in Rock Island County, Ill. The amendment is effective as of its date of issuance.

The amendment (1) authorized operation with additional 8 x 8 fuel assemblies, (2) incorporated revised MAPLHGR and MCPR limits in response to the plant specific analysis for reload 3, and (3) modified License Condition 3.C to reflect end-of-cycle scram reactivity conditions for reload 3.

The application for the amendment complies with the standards and re-

quirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 2, 1977, as supplemented February 28 and March 1, 1978, (2) Amendment No. 43 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Moline Public Library, 504 17th Street, Moline, Ill. 61265. 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 March 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactor Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-6842 Filed 3-15-78; 8:45 am]

[7590-01]

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Prehearing Conference

MARCH 9, 1978.

Pursuant to the remand order of the Court of Appeals for the District of Columbia Circuit in *Aeschliman* v. *Nuclear Regulatory Commission*, 547 F.2d 622 (D.C. Cir. 1976), and to the directions of the Commission in CLI-76-11, 4 NRC 65 (1976) and CLI-76-14, 4 NRC 163 (1976), the record in this proceeding has been reopened for consideration on the merits of the remanded and certain other issues. The Appeal Board, in affirming (ALAB-458, February 14, 1978) the Licensing Board's decision not to suspend the construction permit pending a decision on the merits, has identified the following matters to be considered at future hearings:

1. Appraisal of the environmental impact of the nuclear fuel cycle (ALAB-458, Slip Opinion, pp. 3, 13).
2. Consideration of the possible effects of energy conservation in reducing or eliminating the need for a plant of this size (ALAB-458, pp. 3, 15).
3. Consideration of whether changed circumstances have affected the Dow Chemical Co.'s need for process steam which it is to receive from one of the units under an existing contract (ALAB-458, pp. 3, 21).
4. Consideration of "unresolved safety issues", "design problems", "other problems" and their "resolution", "additional matters of concern to the committee", and "clarification of the ambiguities" involved in the ACRS letters and reports, as discussed in the *Aeschliman* opinion (547 F.2d 622, 630-632) and referred to by the Appeal Board (ALAB-458, Slip Opinion, pp. 4, 24-5, 43).
5. A full airing and resolution of charges "relating to an alleged, albeit unsuccessful, attempt by the applicant to prevent full disclosure of the facts relating to Dow's intentions with regard to its contract." Both this matter and the merits of the ACRS's unresolved safety issues are to be explored further by the Licensing Board, whether or not the parties are themselves otherwise interested in pursuing these matters (ALAB-458, Slip Opinion, pp. 30, 43).

Pursuant to the provisions of 10 CFR 2.752, a prehearing conference will be held on April 20-21, 1978 for the purpose of identifying the issues, setting a hearing schedule and considering such matters as may aid in the orderly disposition of this reopened proceeding on remand. The parties are requested to have in the hands of the Board by April 14, 1978, the following papers:

(a) A prehearing statement or brief which shall set forth, in the form of contentions, all issues to be covered in the remanded hearing.
(b) Stipulations concerning the existing record, any relevant facts, or the contents and authenticity of documents.
(c) A list of witnesses and exhibits which each party intends to produce at the hearing, with a brief summary of each.
(d) All motions with supporting documents or briefs.
(e) A proposed hearing schedule.

Please take notice that a prehearing conference will be held at 9 a.m., local time, on April 20, 1978 in the U.S. Court of Appeals' Auxiliary Courtroom, 27th Floor, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill. 60604.

It is so ordered.

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

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc. 78-6845, Filed 3-15-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER & LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendments Nos. 33 and 27 to facility operating licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power & Light Co. which revised technical specifications for operation of the Turkey Point nuclear generating units Nos. 3 and 4, located in Dade County, Fla. The amendments are effective as of the date of issuance.

The amendment authorizes operation of Turkey Point units Nos. 3 and 4 with up to an average of 19 percent of the steam generator tubes in each reactor plugged.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR, Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated January 27, 1978, as supplemented by letters dated February 15 and February 17, 1978, (2) amendments Nos. 33 and 27 to licenses Nos. DPR-31 and DPR-41, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental & Urban Affairs Library, Florida International University, Miami, Fla. 33199. 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 3rd day of March 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-6840 Filed 3-15-78; 8:45 am]

[7590-01]

[Docket No. 50-316]

INDIANA & MICHIGAN ELECTRIC CO., AND INDIANA & MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regualtory Commission (the Commission) has issued amendment No. 2 to facility operation license No. DPR-74, issued to Indiana & Michigan Electric Co. and Indiana & Michigan Power Co., which authorizes mode 2 operation for the Donald C. Cook nuclear plant, unit No. 2 (the facility) located in Berrien County, Mich. The amendment is effective as of its date of issuance. This action is a part of the licensing action encompassed in the "Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing Pursuant to 10 CFR Part 50, Appendix D, Section C."

Facility operating license No. DPR-74 and its attachment No. 1 contained several conditions requiring staff approval prior to initial criticality. These items have been completed to the satisfaction of the Commission and the appropriate restrictions have been removed in amendment No. 2. Amendment 2 requires resolution of four additional conditions relating to qualification of electrical equipment inside containment prior to operation of the facility in mode 1 at greater than 20 percent of rated power.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR, Chapter I, which are set forth in the license amendment.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR, Part 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) Amendment No. 2 to license No. DPR-74, and (2) the Commission's related safety evaluation. 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 Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 8th day of March 1978.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc. 78-6839 Filed 3-15-78; 8:45 am]

[7590-01]

[Docket No. 50-320]

METROPOLITAN EDISON CO. ET AL. (THREE MILE ISLAND NUCLEAR STATION, UNIT 2)

Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of March 8, 1978, oral argument on the intervenors' appeal from the December 19, 1977, initial decision of the Licensing Board in this operating license/environmental review proceeding is calendared for 10 a.m., Thursday, March 23, 1978, in the Commission's Public Hearing Room, 5th floor, East West Towers, 4350 East-West Highway, Bethesda, Md.

Dated: March 10, 1978.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 78-6835 Filed 3-15-78; 8:45 am]

[7590-01]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 39 to facility operating license No. DPR-40 issued to Omaha Public Power District which revised technical specifications for operation of the Fort Calhoun station, unit No. 1, located in Washington County, Nebr. The amendment is effective as of its date of issuance.

The amendment provides for additions to the technical specifications appended to the Fort Calhoun operating license which will incorporate the low temperature overpressure protection system (OPS) into the limiting conditions for operation and surveillance requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated August 5, 1977, (2) amendment No. 39 to license No. DPR-40, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebr. 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 7th day of March 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-6837 Filed 3-15-78; 8:45 am]

[7590-01]

[Docket Nos. 50-582, 50-582A, 50-583, and 50-583A]

SAN DIEGO GAS & ELECTRIC CO., ET AL.[1]

Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

San Diego Gas & Electric Co., pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed

[1]Los Angeles Department of Water and Power, city of Burbank, Calif., California Department of Water Resources, city of Anaheim, Calif., city of Glendale, Calif., city of Pasadena, Calif., and city of Riverside, Calif.

on February 8, 1978, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns two additional prospective owners of the Sundesert nuclear plant, units 1 and 2, the Los Angeles Department of Water & Power and the city of Burbank, Calif. The information was filed in connection with the San Diego Gas & Electric Co.'s application for construction permits for two pressurized water nuclear reactors designated as the Sundesert nuclear plant, units 1 and 2. The proposed facilities are to be located on a site near Blythe in Riverside County, Calif.

The original antitrust portion of the application was submitted on October 29, 1975, and the notice of receipt of the antitrust application was published in the FEDERAL REGISTER on December 5, 1975 (40 FR 56985). The notice of hearing was published in the FEDERAL REGISTER on May 9, 1977 (42 FR 23569). A notice of receipt of additional antitrust information concerning prospective owners, California Department of Water Resources, cities of Anaheim, Glendale, Pasadena, and Riverside, Calif., was published in the FEDERAL REGISTER on April 14, 1977 (42 FR 19535).

A copy of the above stated documents are available for public inspection at the Commission's Public document Room, 1717 H Street NW., Washington, D.C. 20555, the San Diego County Law Library, 1105 Front Street, San Diego, Calif. 92101, and at the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, Calif. 92255.

Any person who wishes to have his views on the antitrust matters with respect to the Los Angeles Department of Water & Power and the city of Burbank, Calif., presented to the attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before May 15, 1978.

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

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 78-6834 Filed 3-15-78; 8:45 am]

[7590-01]

EARLY SITE REVIEWS, PROCEDURES AND POSSIBLE TECHNICAL REVIEW OPTIONS

Availability of Draft for Public Comment

The Nuclear Regulatory Commission has issued a draft revision to NUREG-0180, "Early Site Reviews for Nuclear Power Facilities, Procedures and Possible Technical Review Options." Formal procedures for early site review became effective June 6, 1977, as an amendment to 10 CFR Part 2 and Part 50 (42 FR 22882, May 5, 1977). NUREG-0180, published at the same time, described the NRC staff's procedure for an early site review and contained a preliminary discussion of technical review options for early review of site suitability issues. The draft revision of NUREG-1080, available at this time for review and comment, is the first step in revising the document to provide a more detailed discussion of the technical review options, the extent of supporting information that is acceptable, and the corresponding decisions that can be made.

The first three chapters of the draft revision of NUREG-0180 are generic and thus fully developed for review and comment purposes. However, Chapter IV (safety) and Chapter V (environment) do not cover all technical review areas. Rather, a representative example is given in the safety area and another in environmental issues. The NRC is seeking comments on the technical review areas, based on these two examples that are representative of the philosophy and approach that would be followed in developing the entire document.

Comments received on the draft revision of NUREG-0180 will be used not only in revising the example technical areas that are offered for review but also in focusing the drafting of all the remaining technical areas. Therefore, comments should address the practicality and utility of the approach used in the draft revision of NUREG-0180 as well as the technical substance of the material. Additionally suggestions of specific material that should be included in any of the remaining technical areas will be welcomed. It should be noted that this review opportunity is not in lieu of the subsequent review of the draft document in its entirety but is in addition to that review.

Interested persons may submit comments on the draft revision of NUREG-0180 for the Commission's consideration. Comments are due April 28, 1978. Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch.

The draft revision of NUREG-0180 is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Requests for single copies should be addressed to the Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 7th day of March 1978.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
Acting Director, Office of Standards Development.

[FR Doc. 78-6846 Filed 3-15-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Expiration of Initial Public Comment Period

The Nuclear Regulatory Commission staff has, after consideration of public comments received, determined that there is no need for a revision at this time to Regulatory Guide 3.4, Revision 1, "Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors." Most regulatory guides are revised to reflect additional staff review and public comments received during the initial 60-day comment period following a guide's first issuance. However, in a few cases, a guide may deal with a noncontroversial subject or may be a simple codification of existing practice, and therefore there may be no need for a revision. The guide noticed here is in this latter category, and for this reason the staff has concluded that no changes are needed at this time. The staff is now using the guide in evaluating applicant and licensee submittals and performance, as noted in the guide's implementation section.

The guide with the words "FOR COMMENT" deleted is being reissued to the distribution list for Division 3, "Fuels and Materials Facilities." "R" added to the revision number is to indicate that the guide has been reissued with no changes in the text.

Requests for single copies of the reissued guide should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control.

Comments and suggestions for improvements in regulatory guides are encouraged at all times, and guides are revised, as appropriate, to accommodate comments and reflect new information or experience. However, newly issued guides have an initial comment period of about two months after issuance. Following the expiration of this period, the staff reviews the comments and revises the guides, as appropriate, to reflect such suggestions as alternative ways of achieving acceptable levels of safety and safeguards.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 8th day of March 1978.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
Acting Director, Office of Standards Development.

[FR Doc. 78-6847 Filed 3-15-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN

[NUREG-75/087]

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 5.4.11 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70.00, 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 No. 5.4.11 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 9th day of March, 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 78-6836 Filed 3-15-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SPR) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 9.2.5 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70.00, 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 No. 9.2.5 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 9th day of March, 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 78-6838 Filed 3-15-78; 8:45 am]

[7590-01]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS

Availability of NRC Draft Addendum to the FES, Part II, for the Siting and Operating of Floating Nuclear Powerplants

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Nuclear Regulatory Commission's (Commission) regulations in Appendix M of 10 CFR part 50 and 10 CFR part 51, notice is hereby given that the Commission's Office of Nuclear Reactor Regulation has prepared a Draft Addendum to the Final Environmental Statement, part II, directed to the generic considerations of siting and operating Floating Nuclear Powerplants in the offshore and shore zone waters of the Atlantic Ocean and the Gulf of Mexico as well as at generalized riverine and estuarine locations.

The Draft Addendum to part II of the FES responds to recommendations of the Council on Environmental Quality that further consideration be given to several topics discussed in the FES, part II, particularly the environmental parameters peculiar to riverine and estuarine siting of FNP's, beyond that contained in the FES. The Addendum also provides additional information regarding the potential for siting FNP's at or near ocean shorelines, as well as further discussion of sabotage potential, alternative energy sources and Federal laws related to the protection of the coastal environment.

The Draft Addendum is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.; the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Fla. 32204; the Stockton State College Library, Pomona, N.J. 08240; and the New Orleans Public Library, Business and Science Division, 219 Loyola Avenue, New Orleans, La. 70140. The Draft Addendum is also being made available at the Bureau of Intergovernmental Relations, Division of State Planning, Department of Administration, 660 Apalachee Parkway, Tallahassee, Fla. 32304 and at the Jacksonville Area Planning Board, 330 East Bay Street, Jacksonville, Fla. 32202.

Notice of availability of the Final Environmental Statement, part II, was published in the FEDERAL REGISTER on September 30, 1976 (41 FR 43257). Copies of that FES can be purchased from the National Technical Information Service, Springfield, Va. 22161.

Pursuant to 10 CFR part 51, interested persons may submit comments on the Draft Addendum for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the Draft Addendum. Comments by those officials

or other persons received by the Commission will be available for public inspection at the Commission's Public Document Room in Washington, D.C., and the other locations indicated above.

Upon consideration of comments submitted with respect to this Draft Addendum, the Commission's staff will prepare a final addendum to the FES, part II, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Addendum from interested members of the public are due by May 1, 1978, and should be sent to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Copies of the Commission's Draft Addendum to the FES, part II, may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, D.C. 20555, Attention: Director, Division of Document Control.

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

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-7090 Filed 3-15-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-11]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS; AND RESPONSES

Report Availability

Railroad Accident Report.—The National Transportation Safety Board announces that copies of its investigative report, No. NTSB-RAR-78-1, on the July 12, 1977, Rear End Collision of Two ConRail Freight Trains at Stemmers Run, Baltimore, Md., are now available.

SAFETY RECOMMENDATIONS

Aviation: A-78-5 through 12.—The Safety Board has completed a special study, titled "Emergency Locator Transmitters—An Overview." As a result of that study, on March 2, 1978, the Board recommended that the Federal Aviation Administration:

Establish the location(s) and method of mounting an automatic fixed-type ELT in an aircraft so that they will properly operate consistent with the RTCA-SC 127 revised Minimum Performance Standards; include this in the Technical Standard Order which will incorporate the RTCA-SC 127 revised Minimum Performance Standards on ELT's. (A-78-5)

Establish the location(s) and method of mounting a fixed-type antenna(ae) externally to an aircraft so that the ELT will properly operate consistent with the RTCA-SC 127 revised Minimum Performance Standards; include this in the Technical Standard Order which will incorporate the RTCA-SC 127 revised Minimum Performance Standards on ELT's. (A-78-6)

Study existing and proposed batteries or undertake research to provide a battery or battery system that will provide useful operation of the ELT for at least 50 hours and −40°C and require its use within the second-generation ELT's. (A-78-7)

Include a provision in the Technical Standard Order which will incorporate the RTCA-SC 127 revised Minimum Performance Standards on ELT's requiring that the ELT and battery be readily accessible for visual inspection. (A-78-8)

Amend 14 CFR 43, Appendix D, to include a separate, specific line item in either the annual or 100-hour maintenance, inspection, or both, to require a visual check of the ELT system, including the ELT, battery, antenna or antennae, cockpit control and warning light for indications of problems, including corrosion and improper connections and an operational check of the system. (A-78-9)

Require engineering development and testing of all components which are the subject of standards in the RTCA-SC 127 revised Minimum Performance Standards for ELT's, including the crash sensor, to insure that these components perform as specified. (A-78-10)

Field test preproduction ELT prototypes supplied by manufacturers to insure that these second-generation ELT's will perform satisfactorily under field conditions and will also meet RTCA-SC 127 Minimum Performance Standards. (A-78-11)

Request general aviation aircraft manufacturers that provide preflight checklists with their aircraft, to include in their checklists, the statement "ELT ARMED" in the preflight section and "ELT OFF" in the shutdown and parking section. (A-78-12)

Each of these recommendations is designated "Class III," Longer Term Action.

Marine: M-78-3 through 9.—On November 13, 1975, a tank barge B-924 caught fire in one of its cargo tanks and exploded while being repaired at the Brent Towing Co.'s repair facility in Greenville, Miss. On March 4, 1978, as a result of the accident, the Safety Board made recommendations to the U.S. Coast Guard and the National Fire Protection Association, respectively.

To the U.S. Coast Guard:

Establish a program for licensing or documenting marine chemists, which includes the latest methods and materials to safely insure that all marine chemists demonstrate a working knowledge of all necessary regulations pertaining to the repair of vessels. Marine chemists should be reexamined periodically to insure that they maintain familiarity with current regulations. Provisions should also be incorporated for the suspension or revocation of licenses or documents of marine chemists not complying with these regulations. (M-78-3)

Promulgate regulations to establish specific procedures for the issuing, transmitting, and posting marine chemists' certificates. (M-78-4)

Promulgate regulations to establish specific criteria which must be met before personnel enter and repair vessels. (M-78-5)

Establish criteria for the qualification of individuals designated or utilized as a fire watch on vessels being repaired. (M-78-6)

Review Coast Guard personnel utilization practices and staffing levels at Marine Safety Detachments to insure that adequate resources are available to properly monitor vessel repairs and related activities. (M-78-7)

Initiate contingency plans for responding to major marine casualties in the Greenville, Miss., area. Such plans should require that emergency communications are established, that appropriate training be provided, and that firefighting resources be coordinated. (M-78-8)

To the National Fire Protection Association:

Revise NFPA Standard No. 306, "Control of Gas Hazards on Vessels to be Repaired," to include:

(1) Specific quantitative parameters with regard to flammability hazards which must be met before personnel enter and repair vessels;

(2) recommended testing techniques to be used when inspecting vessels to be repaired; and

(3) an appendix containing all Federal regulations that pertain to the duties and responsibilities of marine chemists. (M-78-9)

Each of these recommendations is designated "Class II," Priority Action.

Railroad: R-78-7 through 10.—As a result of its investigation of the head-on collision of two Greater Cleveland Regional Transit Authority trains in Cleveland, Ohio, on July 8, 1977, the Safety Board recommended on February 24, 1978, that the Greater Cleveland Regional Transit Authority:

Provide established means of communications between control points during a single-track operation. (R-78-7)

Insure that all trains are notified of any change in the use of radio channels before using a new channel assignment. (R-78-8)

Implement on the Shaker Heights Line as soon as possible the Safety Board's Recommendation R-77-21 which recommended that the GCRTA:

Operate trains on an absolute block. If it becomes necessary to enter an occupied block in an emergency, provide procedures that will insure safe operation. (R-78-9)

On March 6 as a result of the same accident, the Safety Board recommended that the U.S. Department of Transportation:

Develop oversight capability to insure that the safety of rail rapid transit systems will be regulated and enforced by a responsible State or Federal agency. Within the Department of Transportation, accountability for the oversight should be assigned to the Administration that controls Federal grants to aid rail rapid transit. (R-78-10)

Each of these recommendations is designated "Class II," Priority Action.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A-72-47 through 50.—Letter of February 3 from the Federal Aviation Administration gives the status of these recommendations, which relate to landing gear actuators on Beech aircraft Models 65 and 99.

With respect to A-72-47, FAA states that the AD action on the Beech Model 99 serves as a notice to all responsible parties, and further, that since the maintenance and overhaul procedures for the Beech Model 65 were found satisfactory, notification to responsible parties was not required.

Regarding A-72-48 and 49, FAA states that the AD on the Beech Model 99 and the negative findings on the Beech Model 65 maintenance and overhaul procedures satisfy these recommendations.

Regarding A-72-50, FAA, in their Notice of Proposed Rule Making 75-31, issued July 1975, proposes to revise FAR 23.729(a).

Aviation: A-77-70 and 71.—FAA, in its letter of February 8, states that the substance of these recommendations, dealing with the required installation of approved shoulder harnesses, was considered in the rulemaking process that resulted in amendments to Parts 23 and 91 adopted June 9, 1977. In consideration of the comments received on NPRM 73-1, the FAA was unable to justify amendments that would have included all aspects of the proposal. FAA further states that the proposals were not supportable in the rulemaking process nor could they find that these recommendations provide new information to justify another rulemaking action on the subject at this time.

On February 15 the U.S. Coast Guard commented on the following recommendations:

Marine: M-70-3.—The Coast Guard reports that the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) became effective on July 15, 1977. Legislation delegating authority to the Commandant to revise Inland Rules to parallel the 72 COLREGS is being prepared for introduction to Congress early this year. It is Coast Guard's intent to incorporate the "points and bends" custom in the unified rules for specific areas.

Marine M-70-13.—The Coast Guard reports that work is well underway on sound-signaling equipment standards for vessels on U.S. waters that will conform, as closely as possible, to the requirements of the 72 COLREGS. The standards will be a part of the unified rules for U.S. waters. Legislation for the unified rules will be introduced in Congress this term.

Marine M-71-7.—Coast Guard reports that navigation light standards necessary to develop an adequate enforcement program are part of the proposed unified rules for U.S. waters that parallel the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). Legislation requesting authority to issue new unified rules for U.S. waters will be introduced in Congress early this session. The unified rules will parallel the 72 COLREGS, subject to Title 5, U.S.C. procedures.

Railroad: R-76-4.—The Safety Board in its letter of March 1 asks the FRA the present status of the proposed rule or of any contemplated alternate action in lieu of regulatory procedures regarding this recommendation, which deals with "Stop and Proceed Procedures."

NOTE.—The above notice consists of summaries of Safety Board documents made available, and recommendation responses received, during the week preceding publication of the notice in the FEDERAL REGISTER. The accident report in its entirety is available to the general public; single copies are obtainable without charge while limited supplies last. Copies of the full text of the response letters and Board correspondence may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction.

Multiple copies of the accident report may be purchased by writing to: National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

All requests to the Board for copies must be in writing, identified by the report or recommendation number and the date of publication of this notice in the FEDERAL REGISTER. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

BARBARA BUSH,
Acting Federal Register Liaison Officer.

[FR Doc. 78-6972 Filed 3-15-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 9, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

NATIONAL ENDOWMENT FOR THE ARTS

National Survey of Crafts Organizations, single time, 2,500 all identifiable American crafts membership organizations, Office of Federal Procurement Policy, 395-3436.

ENVIRONMENTAL PROTECTION AGENCY

EPA Open Dump Inventory, single time, 56 State solid waste agencies, Ellett, C. A., 395-6132.

Surface Impoundment Assessment, single time, 6,000 impoundments, Ellett, C. A. 395-6132.

Survey of Solid Waste Disposal in Estuaries and Coastal Marshland, single time, 100 solid waste disposal, Ellett, C. A., 395-6132.

DEPARTMENT OF ENERGY

Emergency Economic Impact Assessment, EIA-62, single time, 9,000 electric utilities in nine participating States, Lowry, R. L. 395-3772.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producer's Questionnaire (nuts, bolts, and large screws of iron or steel), single time, producer's questionnaire, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Economics:

Survey of Farm Credit Conditions, single time, 1,091 farm credit conditions, Office of Federal Statistical Policy and Standard, 673-7959.

Citrus Pesticides Survey, single time, 3,500 citrus producers, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Health, Cooperative Study of SIDs Risk Factors Questionnaire, single time, 1,800 parents of SIDs and controls, Richard Eisinger, Office of Federal Statistical Policy and Standard 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Survey of the Extent of Repair/Rehabilitation in the Section 8 Existing Housing Program, HUD-52695, single time, 2,500 public housing agency administration, section 8, existing housing programs, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Survey of Correctional Facilities: Populations, Capacity and Adequacy, PC-1; PC-2; PC-3; single time, 694 Federal-State corrections agencies and criminal justice officies, Laverne V. Collins, 395-3214.

REVISIONS

VETERANS ADMINISTRATION

Report of Automatic Mobile Home and/or Lot Loan, 26-8149, on occasion, lenders, 1,000 responses, 333 hours, Caywood, D. P. 395-3443.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, Report of Compliance and Participation (Title VI, Civil Rights Act of 1964), REA 268, annually, REA Electric and telephone borrowers, 1,850 responses, 925 hours, Laverne V. Collins, 395-3214.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Nutritional Evaluation of the School Breakfast Program, single time, Elem. and High School Stud. Food Serv. Employ. and Managers, 6,180 responses, 2,685 hours, Human Resources Division, Caywood, D. P. 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Dental Team Practice Annual Progress Report, Annually, dental schools with "team" grants, 50 responses, 50 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Student's Statement Regarding School Attendance Outside the U.S., SSA-1372F, on occasion, full-time students estab. entitlement to student benefits, 3,000 responses, 500 hours, Reese B. F. 395-3211.

Health Resources Administration, Request for Deferment—Request for Change in Deferment, on occasion, health professions graduates, 1,000 responses, 167 hours, Richard Eisinger, 395-3214.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Application for Participation and Site Information, (summer food service program for children), FNS-81; FNS 81-1, on occasion, service institutions, 6,000 responses, 6,250 hours, Ellet, D. A. 395-6132.

Soil Conservation Service, Check List—Utility Notification of Construction Action, SCS-ENG-5, on occasion, 30,000 landowners affected by construct., 30,000 responses, 15,000 hours, Caywood, D. P. 395-3443.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Report on Condition of Survey Marker, NOAA 76-91, on occasion, land surveyors, 5,000 responses, 834 hours, Caywood, D. P. 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

Application for Supplemental Security Income (couples), SSA-8000, on occasion, aged, blind and disabled individuals who apply for SSI, 290,000 responses, 169,000 hours, Marsha Traynham, 395-3773.

Application for Supplemental Security Income, (individual with spouse), SSA 8002, on occasion, aged, blind, and disabled individuals who apply for SSI, 180,000 responses, 105,000 hours, Marsha Traynham, 305-3773.

Application for Supplementary Security Income (individuals), SSA 8001, on occasion, aged, blind and disabled individuals who apply for SSI, 800,000 responses, 480,000 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human, Development:

Project Head Start Program Information Report, semiannually, Head Start program grantees, 3588 responses, 14,352 hours, Reese, B. F. 395-3211.

Quarterly Cumulative Report of Clients in Special Target Groups, OHD-RSA-102, quarterly, State VR Agency, 336 responses, 336 hours, Reese, B. F. 395-3211.

Quarterly Cumulative Caseload Report, OHD-RSA-101, quarterly, State VR Agency, 336 responses, 336 hours, Reese, B. F.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Call Report on FHA Property Improvement Loans Outstanding, FH-10, annually, State and National Banks; Savings and Loans, et cetera, 7,000 responses, 350 hours, Caywood, D. P. 395-343.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-7137 Filed 3-15-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (the Act), notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Wednesday, March 29, 1978, from 9:30 a.m. to 5 p.m. in either the White House, the Old Executive Office Building or the New Executive Office Building.

The purpose of this meeting will be to review and discuss the status of, and the U.S. strategy and objectives for, the multilateral trade negotiations currently underway in Geneva.

In accordance with section 10(d) of the Act, the meeting will not be open to the public because information falling within the purview of 5 U.S.C. 552b(c)(1) (the exception to the Government in the Sunshine Act for matters specifically required by Executive order to be kept secret in the interest of foreign policy) will be reviewed and discussed.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Executive Director, Advisory Committee for Trade Negotiations, Office of the Special Representative for Trade Negotiations, 1800 G street, Room 725, Washington, D.C. 20506.

PHYLLIS O. BANANNO,
Executive Director, Advisory Committee for Trade Negotiations.

[FR Doc. 78-6803 Filed 3-15-78; 8:45 am]

[6820-40]

PRESIDENT'S COMMISSION ON MENTAL HEALTH

RESCHEDULED MEETING

In accordance with section 10 (a) (2) of the Federal Advisory Committee Act (5 U.S.C. appendix I), correction is made of the announcement of a Presidential Committee meeting scheduled to assemble in March 1978.

The President's Commission on Mental Health—

In FR Document 78-5640 which appeared in the issue of the FEDERAL REGISTER dated March 3, 1978, the meeting of the President's Commission on Mental Health which was scheduled for March 17, 18, 1978, is now scheduled for March 18 only.

MARCH 10, 1978.

BENEDICT J. LATTERI,
Administrative Officer, President's Commission on Mental Health.

[FR Doc. 78-6830 Filed 3-15-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20442; 70-6138]

ALLEGHENY POWER SYSTEM, INC.

Proposal by Holding Company To Enter Indemnity Agreement for Benefit of Its Subsidiary Company

MARCH 9, 1978.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, NY 10022, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 12(b) and 12(f) of the Act as applicable to the proposed

transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

The proposed transaction involves the indemnification by Allegheny of an insurance company as to liabilities which may be incurred by them in connection with certain surcharge revenues to be collected for West Virginia retail electric service by Monongahela Power Co. ("Monongahela") and The Potomac Edison Co. ("PE") each of which is a wholly-owned electric utility subsidiary of Allegheny.

Monongahela and PE each provide retail electric service in portions of West Virginia. Since February 1975, they have not been permitted to include automatic fuel cost adjustment clauses in their retail electric tariffs in that state. Virtually 100 percent of Monongahela's and PE's electric generation capability is fueled by coal. It is stated that since the beginning of the coal miners' strike in December 1977, Monongahela and PE have received virtually no coal. In order to continue to provide electric service to its customers, Monongahela and PE have purchased large amounts of electric energy from neighboring unaffiliated systems at prices substantially in excess of what it costs them to generate such energy. To recover the excess costs of such purchases, Monongahela and PE filed petitions with the Public Service Commission of West Virginia ("PSC") for emergency surcharges of $0.002 per kilowatt-hour for all kilowatt-hours billed under certain rate schedules, such surcharges to remain in effect until such time as such excess costs have been recovered. On February 24, 1978, the PSC authorized the imposition of the requested surcharges by Monongahela and PE but conditioned the effectiveness thereof, among other things, on the posting of a bond in the amount of $12,500,000 in the case of Monongahela and $2,000,000 in the case of PE, plus interest in each case at the rate of 9½ percent per annum, to assure repayment to customers of such amounts collected in excess of amounts necessary to reimburse Monongahela and PE for such excess costs. The PSC also instituted an investigation and scheduled hearings to commence in April 1978 to determine the amounts of such excess costs incurred by Monongahela and PE.

Because of the time pressure involved, Allegheny proposes to have such bonds posted by Safeco Insurance Company of America ("Safeco"). It is stated that Safeco, as well as various other insurance companies providing such bonds, has indicated that to obtain the most economic rate for such bonds, indemnification of the insurance company by a known company with an acceptable credit rating is necessary. Safeco agreed to provide the necessary bonds on the basis that Allegheny would indemnify Safeco for any loss or expense in connection with the bonds issued by Safeco. Allegheny entered into an indemnity agreement with Safeco, whereby Allegheny will indemnify Safeco for any loss or expense incurred by Safeco in connection with the bonds issued as surety for Monongahela and PE. The maximum amount of the indemnity from Allegheny to Safeco at any one time outstanding will not exceed $12,500,000 as to Monongahela and $2,000,000 as to PE. As the surcharges are to be collected over a period of time (at the rate of between $1,500,000 to $2,000,000 per month) and hearings are scheduled for April 1978, it is not expected that the actual amount of indemnity outstanding will ever reach those maximums. The cost of the bonds to Monongahela and PE is stated to aggregate about $13,000.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,200. It is stated that no State commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 3, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-6759 Filed 3-15-78; 8:45 am]

[8010-01]

[Rel. No. 20438; 70-5943]

AMERICAN ELECTRIC POWER CO., INC.

Proposed Issuance and Sale of Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan

MARCH 9, 1978.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, NY 10004, a registered holding company, has filed with this Commission a post-effective amendment to its declaration previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated February 8, 1977 (HCAR No. 19879), issued in this proceeding, this Commission authorized AEP to issue and sell through April 30, 1978, up to 2,000,000 shares of its authorized but unissued common stock pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Plan") as then in effect. By orders dated April 19, 1977, and July 14, 1977 (HCAR Nos. 19992 and 20111), this Commission authorized certain amendments to the Plan. As of February 10, 1978, AEP states that 1,052,437 shares had been issued and sold pursuant to the Plan, leaving a balance of 947,563 shares available for issuance and sale through April 30, 1978.

By post-effective amendment filed in this proceeding AEP requests authority to issue and sell pursuant to the Plan 1,000,000 shares of its authorized but unissued common stock, in addition to the 947,563 previously authorized but not heretofore issued and sold, and requests that the period within which such 1,947,563 shares may be issued and sold be extended until April 30, 1979. It is stated that the proceeds from sale of common stock pursuant to the Plan, together with other funds available to AEP, will be used to pay AEP's short-term debt as it matures and to make additional investments in or capital contributions to AEP's subsidiaries.

The Plan basically provides that a participant may (1) purchase shares of common stock from AEP quarterly by automatically reinvesting cash dividends on all or less than all (a specified number) of shares of common stock registered in his name, or (2) purchase shares of common stock from AEP as often as once a month by making optional cash payments up to

a maximum of $3,000 per calendar quarter, or (3) do both. The price of shares purchased with reinvested cash dividends is 95 percent of the average of the daily high and low sales prices of AEP's common stock for the five trading days ending on the day of purchase. All full-time employees of AEP system companies may enroll in the Plan to purchase shares of common stock with optional cash payments even though they are not registered holders of any shares of AEP common stock, and, if they wish, may arrange to make optional cash payments through regular payroll deductions. The minimum monthly deduction is $5 and the maximum is 10 percent of regular salary or wages or $1,000, whichever is less. No brokerage commissions or service charges are paid by participants in connection with purchases in the Plan. All cost of administration of the Plan are paid by AEP. A participant may change his option under the Plan at any time. A participant may withdraw from the Plan at any time by giving written notice to the Agent. Unless the Agent is otherwise directed by the participant, upon withdrawal the participant receives a certificate for all whole shares credited to his account and a cash payment for the value of any fractional share.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 5, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-6760 Filed 3-15-78; 8:45 am]

[8010-01]

[Release No. 34-14547; File No. SR-Amex-78-7]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 24, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

AMEX STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendments to Amex Rule 610 would:

1. Provide for a procedure whereby investor small claims up to $2,500 will be determined by a single arbitrator knowledgeable in securities matters.

2. Permit the claimant to withdraw his claim if a counterclaim in excess of the claim is interposed.

3. Provide for a single filing fee of $15 by the claimant, the final disposition of this sum to be determined by the arbitrator.

AMEX STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide investors with a simple and inexpensive procedure for the resolution of small claims against member firms. The procedures set forth in the proposed rule were developed by the Securities Industry Conference on Arbitration, which is composed of representatives of the American Stock Exchange and eight other self-regulatory organizations. The proposed rule would, among other things, provide for determination by a single arbitrator knowledgeable in securities matters of disputes between brokerage firms and customers involving amounts not exceeding $2,500; the participating self-regulatory organizations will offer hearing facilities in all areas of the country, so that a dispute can be heard in a location conveninet to the claimant; a claimant will have the right to withdraw his claim without prejudice if a counterclaim in excess of his claim is interposed; and the only expense will be a filing fee of $15.

Rule 610 is proposed to be amended to protect investors and the public interest consistent with Section 6(b)(5) of the Act by providing a more effective, efficient and economical dispute resolution system for investors with small claims.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS

Comments were received from the members of the Securities and Exchange Commission at an open meeting held on December 8, 1977 to a report by SICA containing an earlier version of the procedures. Based on those comments, the procedures were revised as presently submitted.

BURDEN ON COMPETITION

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

On or before April 20, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 6, 1978.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 9, 1978.

Rule 610 of the American Stock Exchange, Inc. is proposed to be amended as described below. Brackets [] indi-

cate words to be deleted and italics indicate words to be added.

Present Rule 610 is deleted in its entirety.

Proposed Rule 610 is to be added as follows:

Rule 610

(a) Any dispute, claim or controversy, arising between a public customer(s) and an associated person, member, allied member or member organization, required to be arbitrated under the Constitution or Rules of the Exchange, involving a dollar amount not exceeding $2500.00, exclusive of attendant costs and interest, shall upon demand of the customer(s) or by written consent of the parties be arbitrated as hereinafter provided.

(b) The Claimant shall file with the Arbitration Director (1) executed Submission Agreement and one (1) copy of the Statement of Claim of the controversy in dispute, together with documents in support of the claim. The Statement of Claim shall specify the relevant facts, the remedies sought and whether or not a hearing is demanded.

(c) The Claimant shall pay the sum of $15.00 upon filing of the Submission Agreement. The final disposition of this sum shall be determined by the arbitrator.

(d) The Arbitration Director shall endeavor to serve promptly by mail or otherwise on the Respondent(s) one (1) copy of the Submission Agreement and one (1) copy of the Statement of Claim. The Respondent(s) shall within twenty (20) calendar days from receipt of service file with the Arbitration Director one (1) executed Submission Agreement and one (1) copy of the Respondent's Answer, together with supporting documents. The answer shall designate all available defenses to the Claim and may set forth any related Counterclaim and/or related Third Party Claim the Respondent(s) may have against the Claimant or any other person. If the Respondent(s) has interposed a Third Party Claim, the Arbitration Director shall endeavor to serve promptly by mail or otherwise a copy of same together with a copy of the Submission Agreement on such Third Party who shall respond in the manner herein provided for response to the Claim. If the Respondent(s) files a related Counterclaim exceeding $2500.00, the arbitrator may refer the Claim, Counterclaim and/or Third Party Claim, if any, to a panel of three (3) arbitrators or, he may dismiss the Counterclaim and/or Third Party Claim without prejudice to the Counterclaimant(s) and/or Third Party Claimant(s) pursuing the Counterclaim and/or Third Party Claim in a separate proceeding. The costs to the Claimant under either proceeding shall in no event exceed $15.00.

(e) The Arbitration Director shall endeavor to serve promptly by mail or otherwise on the Claimant a copy of the Answer, Counterclaim, Third Party Claim or other responive pleading, if any. The Claimant, if a Counterclaim is asserted against him, shall within ten (10) calendar days either (i) file a Reply to any Counterclaim with the Arbitration Director who will serve a copy of the Reply on the Respondent(s) or (ii) if the amount of the Counterclaim exceeds the Claim shall have the right to file a statement withdrawing the Claim. If the Claimant withdraws the Claim, the proceedings will be discontinued without prejudice to the rights of the parties.

(f) The dispute, claim or controversy shall be submitted to a single arbitrator knowledgeable in the securities industry selected by the Arbitration Director. Unless the public customer demands or consents to a hearing, or the arbitrator(s) calls a hearing, the arbitrator shall decide the dispute, claim or controversy solely upon the pleadings and evidence filed by the parties. If a hearing is necessary, such hearing shall be held as soon as practicable at a locale selected by the Arbitration Director.

(g) The Arbitration Director may grant extensions of time to file any pleading upon a showing a good cause.

(h) The arbitrator shall be authorized to require the submission of further documentary evidence as he in his sole discretion deems advisable.

(i) Upon the request of the arbitrator, the Arbitration Director shall appoint two (2) additional arbitrators to the panel which shall decide the matter controversy.

(j) In any case where there is more than one (1) arbitrator, the majority will be public arbitrators.

(k) In his discretion, the arbitrator may, at the request of any party, permit such part to submit additional documentation relating the pleadings.

(l) Except as otherwise provided herein, the provisions of Rules 600 through 609 shall be applicable to proceedings instituted under this Rule.

[FR Doc. 78-6763 Filed 3-15-78; 8:45 am]

[8010-01]

[File No. 500-1]

FEDERAL'S, INC.

Suspension of Trading

MARCH 3, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Federal's, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12:30 p.m. (e.s.t.) on March 3, 1978 through March 12, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-6762 Filed 3-15-78; 8:45 am]

[8010-01]

[Rel. No. 20439; 70-4397]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Increase in Guaranties of Loans to a Non-Affiliated Coal Supplier

MARCH 9, 1978.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed with this Commission a tenth post-effective amendment to its declaration previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

Jersey Central owns, as a tenant in common with six other non-affiliated electric utilities, an electric generating station known as the Keystone Steam Electric Station ("Keystone"), which is located in the vicinity of Johnstown, Pennsylvania. The owners each have an interest, proportionate to their ownership, in the electric energy output of Keystone. Jersey Central's interest in Keystone is 16.67 percent. Keystone is adjacent to certain coal lands ("Keystone Properties") of Rochester & Pittsburgh Coal Co. ("R&P"), a non-affiliated company which is the principal supplier of coal for Keystone.

By orders dated August 1, 1966, April 19, 1972, and December 29, 1972 (HCAR Nos. 15533, 17548 and 17835), this Commission authorized Jersey Central to guarantee a portion of certain borrowings made by R&P. By order dated February 19, 1976 (HCAR No. 19394), this Commission authorized certain changes in the terms of the guaranty of the loan to R&P. By order dated March 24, 1976 (HCAR No. 19441), this Commission authorized Jersey Central to consent to the release of certain properties from the lien of the mortgage securing the loans to R&P.

By its tenth post-effective amendment filed in this proceeding Jersey

Central states that R&P now desires to obtain new financing (the "1978 Loans") in the amount of $33,000,000, such amount being required by R&P to finance the further development and equipping of the Keystone Properties, including reimbursement to R&P for expenditures previously made by it for such purposes. The 1978 loans are in addition to an $8,000,000 loan made in 1973 (the "1973 Loan") and are to consist of (1) an $8,000,000 loan bearing interest at 8¾ percent per annum from Manufacturers Hanover Trust Company ("Manufacturers"), maturing in amounts of $1,000,000 in the years 1978 and 1979, $1,500,000 in 1980, $2,000,000 in 1981 and $2,500,000 in 1982, and providing for optional prepayment without penalty; (2) a $12,500,000 loan from Mutual Benefit Life Insurance Company ("Mutual Benefit") bearing interest at 9¼ percent per annum, maturing in amounts of $1,000,000 in the years 1983 through 1986, $1,500,000 in the years 1987 through 1990 and $2,500,000 in 1991, and providing for prepayment, subject to certain restrictions, at a premium commencing at 9¼ percent of the principal amount in 1983 and declining each year thereafter; and (3) a $12,500,000 loan from The Equitable Life Assurance Society of the United States, having the same interest, maturity and prepayment terms as the $12,500,000 loan from Mutual Benefit. The 1978 Loans will be secured by the mortgage from R&P to Manufacturers dated as of July 29, 1966, as supplemented and amended, equally and proportionately with the 1973 Loan. A commitment fee of ½ of 1 percent per annum of the principal amount of the 1978 Loans from October 1, 1977, to the date on which the loans are made will be paid by R&P to the Lenders.

In order to maintain R&P as a viable source of coal supply for Keystone, the Keystone owners, including Jersey Central, propose to guarantee, severally and not jointly, in proportion to their respective interests in Keystone, payment of the promissory notes of R&P evidencing the 1978 Loans.

It is stated that R&P is considering a transfer of the Keystone Properties to a wholly-owned subsidiary (the "Keystone Subsidiary") of R&P to be created for the sole purpose of acquiring the Keystone Properties and mining coal therefrom for sale to the Keystone owners. Under the terms of the 1978 Loan agreements, upon such transfer the Keystone Subsidiary would be required to assume the obligations of R&P under the 1978 Loan agreements, the loan agreement with respect to the 1973 Loan and the respective notes issued pursuant thereto, and R&P would be relieved of its obligations thereunder. The terms of the 1978 Loan agreement require that upon such transfer the Keystone owners guarantee the obligations of the Keystone Subsidiary under the 1978 Loan agreements, the 1973 Loan agreement and the respective notes issued thereunder on the same basis as the Keystone owners had guaranteed the obligations of R&P under those documents.

Such transfer of the Keystone Properties by R&P to the Keystone Subsidiary and such guarantee by the Keystone owners of the obligations of the Keystone Subsidiary is subject to the approval of the Keystone owners. Such approval has not been given and Jersey Central does not know at this time whether it will be given. Jersey Central requests that this Commission reserve jurisdiction with respect to a guaranty of the obligations of the Keystone Subsidiary.

The fees and expenses to be incurred by Jersey Central in connection with the proposed transactions are estimated at $5,000, including legal fees of $3,000. It is stated that the Board of Public Utilities of the State of New Jersey has jurisdiction over the proposed transactions with respect to Jersey Central and two other Keystone owners. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 4, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-6761 Filed 3-15-78; 8:45 am]

[8010-01]

[Release No. 34-14546; File No. SR-NYSE-78-12]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 23, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NYSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change (proposed NYSE rules 480, and 492B as well as conforming amendments to Article VIII, Sec. 6 of the NYSE Constitution and NYSE rule 482) provides for simplified procedures for the arbitration of claims by public customers where the amount in dispute is $2,500 or less.

The proposed rule would provide for determination by a single arbitrator knowledgeable in securities matters of disputes between brokerage firms and customers involving amounts not exceeding $2,500. The participating self-regulatory organizations will offer hearing facilities in all areas of the country, so that a dispute can be heard in a location convenient to the claimant. A claimant will have the right to withdraw his claim without prejudice if a counterclaim in excess of his claim is interposed. The only expense will be a filing fee of $15.

NYSE'S STATEMENT OF PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed rule change is to provide investors with a simple and inexpensive procedure for the resolution of small claims against member firms. The procedures set forth in the proposed rule were developed by the Securities Industry Conference on Arbitration, which is composed of representatives of the New York Stock Exchange, Inc. and eight other self-regulatory organizations.

NYSE'S STATEMENT OF BASIS UNDER THE ACT

The basis under the Act for the proposed rule change is section 6(b)(5). The proposed rule, applicable to small claims by public customers, would pro-

vide a more effective, efficient and economical dispute resolution system for public investors with small claims and thus would protect investors and the public interest.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS

Comments were received from the members of the Securities and Exchange Commission at an open meeting held on December 8, 1977 to a Report by SICA containing an earlier version of the procedures. Based on those comments, the procedures were revised as presently submitted.

NYSE'S STATEMENT OF BURDEN ON COMPETITION

The NYSE has determined that no burden on competition will be imposed by the proposed rule change.

On or before April 20, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 6, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 9, 1978.

The text of the principal provisions of the proposed rule change is as follows. Brackets indicate deletions; italics indicate new material.

UNIFORM RULE APPLICABLE TO SMALL CLAIMS BY PUBLIC CUSTOMERS

Rule 480 (a) Any dispute, claim or controversy, arising between a public customer(s) and an associated person, member, allied member or member organization, required to be arbitrated under the Constitution and Rules of the New York Stock Exchange, Inc. involving a dollar amount not exceeding $2,500, exclusive of attendant costs and interest, shall upon demand of the customer(s) or by written consent of the parties be arbitrated as hereinafter provided.

(b) The Claimant shall file with the Arbitration Director one (1) executed Submission Agreement and one (1) copy of the Statement of Claim of the controversy in dispute, together with documents in support of the claim. The Statement of Claim shall specify the relevant facts, the remedies sought and whether or not a hearing is demanded.

(c) The Claimant shall pay the sum of $15 upon filing of the Submission Agreement. The final disposition of this sum shall be determined by the arbitrator.

(d) The Arbitration Director shall endeavor to serve promptly by mail or otherwise on the Respondent(s) one (1) copy of the Submission Agreement and one (1) copy of the Statement of Claim. The Respondent(s) shall within twenty (20) calendar days from receipt of service file with the Arbitration Director one (1) executed Submission Agreement and one (1) copy of the Respondent's Answer, together with supporting documents. The Answer shall designate all available defenses to the Claim and may set forth any related Counterclaim and/or related Third Party Claim the Respondent(s) may have against the Claimant or any other person. If the Respondent(s) has interposed a Third Party Claim, the Arbitration Director shall endeavor to serve promptly by mail or otherwise a copy of same together with a copy of the Submission Agreement on such Third Party who shall respond in the manner herein provided for response to the Claim. If the Respondent(s) files a related Counterclaim exceeding $2,500, the arbitrator may refer the Claim, Counterclaim and/or Third Party Claim, if any, to a panel of three (3) or five (5) arbitrators [1] or, he may dismiss the Counterclaim and/or Third Party claim without prejudice to the Counterclaimant(s) and/or Third Party Claimant(s) pursuing the Counterclaim and/or Third Party Claim in a separate proceeding. The costs to the Claimant under either proceeding shall in no event exceed $15.

(e) The Arbitration Director shall endeavor to serve promptly by mail or otherwise on the Claimant a copy of the Answer, Counterclaim, Third Party Claim or other responsive pleading, if any. The claimant, if a Counterclaim is asserted against him, shall within ten (10) calendar days either (i) file a Reply to any counterclaim with the Arbitration Director who will serve a copy of the Reply on the Respondent(s) or (ii) if the amount of the Counterclaim exceeds the claim shall have the right to file a statement withdrawing the claim. If the Claimant withdraws the Claim, the proceedings will be discontinued without prejudice to the rights of the parties.

(f) The dispute, claim or controversy shall be submitted to a single arbitrator knowledgeable in the securities industry selected by the Arbitration Director. Unless the public customer demands or consents to a hearing, or the arbitrator(s) calls a hearing, the arbitrator shall decide the dispute, claim or controversy solely upon the pleadings and evidence filed by the parties. If a hearing is necessary, such hearing shall be held as soon as practicable at a locale selected by the Arbitration Director.

(g) The Arbitration Director may grant extensions of time to file any pleading upon a showing of good cause.

(h) The arbitrator shall be authorized to require the submission of further documentary evidence as he in his sole discretion deems advisable.

(i) Upon the request of the arbitrator, the Arbitration Director shall appoint two (2) additional arbitrators to a panel which shall decide the matter in controversy.

(j) In any case where there is more than one (1) arbitrator, the majority will be public arbitrators. (Arbitrators selected from the second of the panels described in Article VIII, Section 4 of the Constitution.)

(k) In his discretion, the arbitrator may, at the request of any party, permit such party to submit additional documentation relating to the pleadings.

(l) Except as otherwise provided herein, the general arbitration rules of the New York Stock Exchange, Inc. shall be applicable to proceedings instituted under this Rule.

RULE 492B

NEW YORK STOCK EXCHANGE, INC.

Submission Agreement for Small Public Claims

In the Matter of the Arbitration between

1. The undersigned parties hereby submit to arbitration in accordance with the Constitution and Rules of the New York Stock Exchange, Inc., the present matter in controversy as set forth in the attached statement of claim, answers and all related counterclaims and/or third party claims which may be asserted.

2. The undersigned parties hereby state that they have read the proce-

[1] See Article VIII, Section 6 of the Constitution.

dures and rules of the New York Stock Exchange, Inc. relating to arbitration.

3. The undersigned parties agree that the arbitration between the parties named above shall be held at such time and place as may be designated by the Arbitration Director or the arbitrator(s) and further agree and understand that the arbitration will be conducted according to the rules of the New York Stock Exchange, Inc. and its schedule of fees, both of which are to be hereby incorporated into this Submission Agreement.

4. The undersigned parties further agree to abide by and perform any award(s) rendered pursuant to this Submission Agreement and further agree that a judgment and any interest due thereon, may be entered upon such award(s) and, for these purposes, the undersigned parties hereby voluntarily consent to submit to the jurisdiction of any court of competent jurisdiction which may properly enter such judgment.

5. In witness whereof, the parties hereto have signed and acknowledged the foregoing Submission Agreement.

[FR Doc. 78-6764 Filed 3-15-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Rev. 15, Amdt. 19]

BRANCH MANAGER, FAIRBANKS BRANCH OFFICE

Delegation To Conduct Program Activities in Field Offices

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240) as amended (41 FR 16234, 17829, 28049, 36702, 47610, 50883, 42 FR 56990, 59153, 61347, 43 FR 55, 1577 and 6667) is hereby further amended to delegate loan approval authority to the Branch Manager, Fairbanks Branch office. This authority was previously withdrawn by Amendment 8 to Delegation of Authority No. 30, Rev. 15.

Accordingly, Delegation of Authority No. 30, Revision 15, is amended as set forth below:

PART I.—FINANCING PROGRAM

SECTION A.—*Loan Approval Authority.*

1. * * *
(a) * * *

* * * * *

(9) Branch Manager, Fairbanks B/O only: Approve 150,000; Decline 150,000.
(b) * * *

* * * * *

(9) Branch Manager, Fairbanks B/O only: Approve 150,000; Decline 150,000.
2. * * *

* * * * *

(g) Branch Manager
(h) * * *
3. * * *
(a) * * *

* * * * *

(9) Branch Manager, Fairbanks B/O only: Approve 150,000.
(b) * * *

* * * * *

(9) Branch Manager, Fairbanks B/O only: Approve 150,000.
4. * * *
(a) * * *

(9) Branch Manager, Fairbanks B/O only: Approve 150,000.

2. In part I, section B, the words "Branch Manager, except Fairbanks Branch office" appearing throughout are changed to read "Branch Manager."

3. In part II, section A, add Branch Manager, Fairbanks Branch office, as indicated below:

PART II.—DISASTER PROGRAM

NOTE.—* * *

SECTION A.—*Disaster Loan Authority.*

1. * * *
(a) * * *
(1) * * *

* * * * *

(h) Branch Manager
(i) * * *
2. * * *

* * * * *

(j) Branch Manager, Fairbanks B/O only: Approve 150,000.
2. * * *

* * * * *

(j) Branch Manager, Fairbanks B/O only: Home Loans 100,000; Business Loans 150,000.
3. * * *

* * * * *

(j) Branch Manager, Fairbanks B/O only: Business Loans 150,000.
4. * * *

* * * * *

(j) Branch Manager, Fairbanks B/O only: Business Loans 150,000.

4. In part II, section A, paragraphs 5, 6, 7, and 8, the words "Branch Manager, except Fairbanks Branch office" are changed to read "Branch Manager."

5. In part VIII.—Legal Services, section B.—Loan Closing Authority, paragraph 3.g., delete words "except Fairbanks Branch office."

Effective date: March 16, 1978.

Dated: March 13, 1978.

RICHARD HERNANDEZ,
Associate Administrator for Operations.

[FR Doc. 78-7051 Filed 3-15-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/22]

SHIPPING COORDINATING COMMITTEE

Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Wednesday, April 12, 1978, in Room 8236 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of this meeting is to finalize preparations for the 38th session of the Maritime Safety Committee (MSC) of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London, April 17-21, 1978. In particular, the Shipping Coordinating Committee will discuss development of U.S. positions dealing with, inter alia, the following topics:

Outcome of the International Conference on Tanker Safety and Pollution Prevention;

Report of the Joint IMCO/ILO Committee on training (5th session);

Reports on investigations of serious casualties;

Substandard ships;

Safety measures for roll-on/roll-off ships.

Requests for further information should be directed to Capt. R. A. Biller, Chief, International Affairs Division, U.S. Coast Guard (G-AIA/83), 400 Seventh Street SW., Washington, D.C. 20590, telephone area code 202-426-2280.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

MARCH 7, 1978.

[FR Doc. 78-6804 Filed 3-15-78; 8:45 am]

[4710-01]

[Public Notice CM-8/23]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The Working Group on Ship Design and Equipment of the Subcommittee on Safety of Life at Sea (SOLAS), a component of the Shipping Coordinating Committee (SHC), will conduct an open meeting at 8 a.m. on Tuesday,

April 11, 1978, in Room 8236-38 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

The purpose of this meeting is to discuss the results of the 18th session of the Subcommittee on Ship Design and Equipment of the Intergovernmental Maritime Consultative Organization (IMCO) and to initiate preparations for the 19th session. The agenda includes the following topics: Mobile offshore drilling units; offshore supply vessels; training and research vessels; nuclear ships; harmonization of machinery and electrical requirements in various IMCO instruments; unification of definitions and provisions used in various IMCO instruments; tonnage and/or other parameters; noise level onboard ships; safety requirements for roll-on/roll-off ships; safety measures for diving systems (on mobile offshore units); and draught requirements for segregated ballast tankers below 150 meters in length.

Requests for further information should be directed to Capt. J. W. Kime, U.S. Coast Guard, Washington, D.C., telephone 202-426-2167.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

MARCH 7, 1978.

[FR Doc. 78-6805 Filed 3-15-78; 8:45 am]

[4710-01]

[CM-8/21]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW; STUDY GROUP ON TRANSNATIONAL BANKRUPTCY PROBLEMS

Notice of Meeting

A meeting of the Study Group on Transnational Bankruptcy Problems, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held at 10 a.m. on Monday, April 24, 1978, in room 5519 of the Department of State. Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The meeting will be to consider the scope and content of possible bilateral agreements with respect to the liquidation or reorganization of insolvent estates which may involve assets, creditors or stockholders in the United States and another State.

Entrance to the Department of State building is controlled, and members of the general public should use the C Street entrance. Entry will be facilitated if arrangements are made in advance, and it is requested that members of the general public who plan to attend the meeting inform their name, affiliation, and address to Miss Dorothy Fagan, Office of the Legal Adviser, Department of State, prior to April 24, 1978. The telephone number is area code 202-632-8134.

Dated: March 8, 1978.

RICHARD D. KEARNEY,
Chairman.

[FR Doc. 78-6831 Filed 3-15-78; 8:45 am]

[4710-027]

Agency for International Development

HOUSING GUARANTY PROGRAM FOR JAMAICA

Information for Investors

The Agency for International Development (A.I.D.) has advised the Jamaica Mortgage Bank (the Borrower) that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to lend the Borrower an amount not to exceed $15,000,000 and subject to the satisfaction of certain further terms and conditions by the Borrower, A.I.D. will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued, pursuant to authority contained in section 222 of the Foreign Assistance Act of 1961, as amended. Proceeds of the loan will be used to finance a tenement upgrading program, a squatter settlement improvement program and a rural home improvement program in Jamaica. This project is referred to as 532-HG-010.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. David Levermore, Jamaica Mortgage Bank, P.O. Box 950, Kingston 5, Jamaica, Tel: 66-322 or 66-323.

Investors eligible to receive a guaranty are those specified in section 238 (c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof with a ten year grace period for the repayment of principal and the interest rate must be fixed at time of offer and may be no higher than the maximum rate to be established by A.I.D.

The Borrower projects a disbursement schedule approximately as follows: $5,000,000 not later than June 15, 1978, $5,000,000 not later than September 15, 1979, and $5,000,000 not later than September 15, 1980, in a maximum of four disbursements.

The investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the Borrower. The Borrower shall not be required to pay a commitment fee prior to the first disbursement.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA-12, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

Prospective investors are requested to submit offers to the Borrower by March 17, 1978.

This is an amendment of Notice FR Doc. 78-5782 dated March 1, 1978, filed March 2, 1978 and published March 3, 1978 at pages 8897 and 8898.

Dated: March 7, 1978.

J. DAVID MCVOY,
Acting Director, Office of Housing.

[FR Doc. 78-6806 Filed 3-15-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 127—EMERGENCY LOCATOR TRANSMITTERS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 127 on Emergency Locator Transmitters to be held April 11-12, 1978, Conference Room 6200, Headquarters U.S. Coast Guard, 400 Seventh Street, Washington, D.C. commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Chairman's Comments; (2) Approval of Minutes of Eighth Meeting held September 20-22, 1977; (3) Review of Comments Submitted for Inclusion in Final Draft Minimum Performance Standards; and (4) 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 attend and persons wishing to present oral statements

should notify, not later than the day before the meeting, and information may be obtined from RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006, 202-296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 8, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-6650 Filed 3-15-78; 8:50 am]

[4910-60]

Materials Transportation Bureau

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for exemption.

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 Operations of the Materials Transportation Bureau has received the applications described herein.

DATE: Comments by April 12, 1978.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, 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 APPLICATIONS

Application No.	Applicant	Regulation(s) affected	Nature of application
7926-N	Great Lakes Chemical Corp., W. Lafayette, Ind.	49 CFR 173.357(b)(2)	To authorize shipment of a 45 pct chloropicrin mixture in a DOT 5B metal drum not over 33 gallon capacity. (Modes 1, 2, 3.)
7927-N	Barber Steamship Lines Inc., New York, N.Y.	49 CFR 172.101	To authorize shipment of motorcycles containing fuel and batteries in nonventilated freight containers. (Mode 3.)
7928-N	Alaska Department of Transportation and Public Facilities, Juneau, Alaska.	49 CFR 172.101	To authorize carriage on vehicle deck of Alaska Marine Highway System vessels those materials which may be stowed "on deck" and "under deck" on cargo vessels and "on deck" on passenger vessels. (Mode 3.)
7929-N	Canadian Industries Ltd., Montreal, Canada.	49 CFR 173.65	To authorize shipment of TNT in pelleted form in a non-DOT specification woven plastic bag. (Modes 1, 2.)
7931-N	Degussa Corp., Teterboro, N.J	49 CFR 173.346	To authorize shipment of acetone cyanohydrin in a non-DOT IMCO type 1 portable tank. (Modes 1, 2, 3.)
7933-N	Grief Bros. Corp., Union, N.J	49 CFR pt. 173, sub pt. F, 178.19.	To manufacture, mark and sell non-DOT specification 55 gallon containers for shipment of corrosive liquids. (Modes 1, 2, 3.)
7934-N	Carroll Co., Garland, Tex	49 CFR pt. 173, sub pt. F, 178.205-37.	To manufacture, mark and sell a three-piece corrugated fiberboard box built in compliance with DOT specification 12B except for marking and certain end requirements for shipment of corrosive liquids. (Mode 1.)
7935-N	Industrial Cylinders Co., Milwaukee, Wis	49 CFR 178.37-5	To manufacture, mark and sell steel cylinders built in compliance with DOT specification 3AA except for specified silicon content for shipment of compressed gases. (Modes 1, 2, 3, 4, 5.)
7936-N	Olin Corp., Stamford, Conn	49 CFR 173.217(a)(3)	To ship 275 pounds of a solid oxidizer in DOT-21C250 fiber drums. (Modes 1, 2.)
7937-N	NL McCullough Co., Houston, Tex	49 CFR 172.101	To ship bromide trifluoride in cylinders not exceeding one litre capacity without the poison label. (Modes 1, 4.)
7938-N	Bignier Schmid-Laurent, Ivry-sur-Seine, France.	49 CFR pt. 173, sub pts. D, F and H.	For shipment of flammable liquids, corrosive liquids, poisonous liquids (class B), and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, 3.)
7939-N	Lea-Ronal Inc., Freeport, N.Y	49 CFR 173.346(a)(20)	To ship poisonous liquids, n.o.s., class B, in DOT—37M/2SL packagings. (Modes 1, 2, 4.)
7940-N	Centennial Plastics Inc., Camden, N.J	49 CFR pt. 173, sub pts. D, F and H.	To manufacture, mark and sell non-DOT specification 55 gallon polyethylene containers for shipment of flammable liquids, corrosive liquids, oxidizers and class B poisonous liquids. (Modes 1, 2, 3.)
7941-N	Pressed Steel Tank Co., Milwaukee, Wis	49 CFR 173.302, 173.304	To manufacture, mark and sell non-DOT specification seamless aluminum cylinders for shipment of compressed gases. (Modes 1, 2.)
7942-N	Chevron USA Inc., San Francisco, Calif	49 CFR 173.28(m)	To ship gasoline in reused DOT-17E drums requalified per 49 CFR 173.28(m) except drums may not be completely drained of previous residue. (Mode 3.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on March 6, 1978.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc. 78-6512 Filed 3-15-78; 8:45 am]

[4910-60]

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal of exemption 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 Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described. However, this notice is abbreviated to expedite docketing and public notice. These applications have

been separated from the new applications for exemptions to facilitate processing.

DATE: Comments by March 29, 1978.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
2326-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	2326
2582-X	Matheson Gas Products, Lyndhurst, N.J.	2582
3549-X	U.S. Department of Energy, Washington, D.C.	3549
3569-X	NL McCullough/NL Industries, Inc., Houston, Tex.	3569
3744-X	Burris Chemical, Inc., Augusta, GA.	3744
3822-X	Dow Chemical Co., Midland, Mich.	3822
4108-X	Capitol Corp., Jackson, Miss.	4108
4160-X	Dow Chemical Co., Plaquemine, La.	4160
4291-X	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	4291
4291-X	Pacific Engineering & Production Co., of Nevada, Henderson, Nev.	4291
4765-X	Pennwalt Corp., Philadelphia, Pa.	4765
4390-X	Eastman Kodak Co., Rochester, N.Y.	4390
4390-X	Mallinckrodt, Inc., St. Louis, Mo.	4390
4390-X	MC/B Manufacturing Chemists, Norwood, Ohio.	4390
5022-X	The Boeing Co., Seattle, Wash.	5022
5248-X	The Boeing Co., Seattle, Wash.	5248
5456-X	Allied Chemical Corp, Morristown, N.J.	5456
5891-X	U.S. Department of Energy, Washington, D.C.	5891
6039-X	Cosden Oil & Chemical Co., Calumet City, Ill.	6039
6126-X	White Chemical Corp., Bayonne, N.J.	6126
6170-X	Eaton Corp., Southfield, Mich.	6170
6228-X	Airco Welding Products, Springfield, N.J.	6228
6258-X	Mallinckrodt, Inc., St. Louis, Mo.	6258
6392-X	Pennwalt Corp., Philadelphia, Pa.	6392
6464-X	South Jersey Gas Co., Folsom, N.J.	6464
6498-X	Luxfer USA Ltd., Riverside, Calif.	6498
6614-X	Chem Lab Products Inc., Anaheim, Calif.	6614
6614-X	All Pure Chemical Co., Tracy, Calif.	6614
6614-X	Georgia-Pacific Corp., Newport Beach, Calif.	6614
6614-X	Hasa Chemicals Inc., Saugus, Calif.	6614
6614-X	GPS Industries, Los Angeles, Calif.	6614
6629-X	The Boeing Co., Seattle, Wash.	6629
6652-X	Airesearch Manufacturing Co. of Arizona, Phoenix, Ariz.	6652
6671-X	Dow Chemical Co., Midland, Mich.	6671
6749-X	GPS Industries, Los Angeles, Calif.	6749
6765-X	Gardner Cryogenics Division of Carpenter Technology Corp., Bethlehem, Pa.	6765
6825-X	Lox Equipment Co., Livermore, Calif.	6825
6838-X	American Airlines, Inc., Tulsa, Okla.	6838
6870-X	Edlow International Co., Washington, D.C.	6870
6908-X	Airesearch Manufacturing Co. of Arizona, Phoenix, Ariz.	6908
6919-X	American LNG Co., Oak Brook, Ill.	6919
6985-X	U.S. Department of Energy, Washington, D.C.	6985
7007-X	Allied Chlorine & Chemical Products, Inc., Miami, Fla.	7007
7015-X	Linde Aktiengesellschaft, Hollriegeiskreuth, West Germany.	7015
725-X	Air Products & Chemicals, Inc., Allentown, Pa.	7025
7025-X	Airco Industrial Gases, Murray Hill, N.J.	7025
7062-X	Bennett Industries, Pacoima, Calif.	7062
7073-X	Ethyl Corp., Baton Rouge, La.	7073
7277-X	Structural Composites Industries, Inc., Azusa, Calif.	7277
7409-X	Sea-Land Service, Inc., Elizabeth, N.J.	7409
7505-X	Platte Chemical Co., Greeley, Colo.	7505
7517-X	Trinity Industries, Inc., Dallas, Tex.	7517
7546-X	Grumman Aerospace Corp., Bethpage, N.Y.	7546
7548-X	U.S. Department of the Army, Washington, D.C.	7548
7548-X	U.S. Department of the Navy, Washington, D.C.	7548
7584-X	Francosteel Corp., New York, N.Y.	7584
7584-X	Intsel Corp., New York, N.Y.	7584
7584-X	L'Air Liquide, Paris, France.	7584
7601-X	Atlantic Research Corp., Gainesville, Va.	7601
7651-X	Austin Powder Co., Cleveland, Ohio.	7651
7754-X	Hercules Inc., Wilmington, Del.	7754
7770-X	Ugine Kuhlmann of America, Inc., Paramus, N.J.	7770
7772-X	....do....	7772
7005-X	Bignier Schmid-Laurent, Paris, France.	7005
3307-P	Seco, Inc., Fort Smith, Ark.	3307
4371-P	Tank Container International, Schaumburg, Ill.	4371
5022-P	United Technologies Corp., Sunnyvale, Calif.	5022
5861-P	The Boeing Co., Seattle, Wash.	5861
6064-P	Guardian Chemical Corp., Hauppauge, Long Island, N.Y.	6064
6622-P	Griffith Laboratories Inc., Alsip, Ill.	6622
6820-P	Hill Bros. Chemical Co., Phoenix, Ariz.	6820
6820-P	Chem Lab Products Inc., Anaheim, Calif.	6820
6824-P	....do....	6824
6974-P	The Boeing Co., Seattle, Wash.	6974
7005-P	T.A. McHugh Co., Chatham, N.J.	7005
7052-P	Altus Corp., Palo Alto, Calif.	7052
7595-P	Mallard Chemical, Inc., Pine Bluff, Ark.	7595
7597-P	Triangle Chemical Co., Macon, Ga.	7597
7597-P	Valley Co-op Oil Mill, Marlingen, Tex.	7597
7597-P	Seedkem South, Inc., Olive Branch, Miss.	7597
7597-P	Staple Cotton Services Association, Greenwood, Miss.	7597
7597-P	Thompson-Hayward Chemical Co., Greenville, Miss.	7597
7597-P	Valley Chemical Co., Greenville, Miss.	7597
7597-P	MFC Services, Clarksdale, Miss.	7597
7701-P	LOWACO, S.A., Geneva, Switzerland.	7701
7777-P	Brewer Cote Asphalt Products, Inc., Miami, Fla.	7777
7819-P	Tank Container International, Schaumburg, Ill.	7819
7820-P	....do....	7820
7853-P	Scholle Corp., Northlake, Ill.	7853
7900-P	Monsanto Co., St. Louis, Mo.	7900

This notice of receipt of applications for renewal of exemptions and party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on March 7, 1978.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc. 78-6513 Filed 3-15-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[Docket No. IP 77-16; Notice 1]

ARMORED VEHICLE BUILDERS, INC.

Receipt of Petition for Exemption From Notification and Remedy for Inconsequential Noncompliance

Armored Vehicle Builders, Inc., of Pittsfield, Mass., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.205, Motor Vehicle Safety Standard No. 205, Glazing Materials, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Petitioner is a manufacturer of vehicles equipped with bullet resistant glazing materials. Standard No. 205 incorporates by reference the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways", Z26.1-1966. Section S6 specifies that each piece of glazing must be marked, and lists the markings that must appear—manufacturer's distinctive designation or trademark, model number, and the character "AS" followed by a numeral, 1 to 13, depending upon which set of requirements apply to the glazing. Glazing material supplied the petitioner by General Electric Corp. for use in the windshield and front door windows was not marked AS-1, the type required. This type of material, termed "1¼ inch Lexgard" was successfully tested for compliance on March 16, 1977, with the performance requirements of Standard No. 205, according to petitioner. Unmarked glazing was used in 108 armored vehicles manufactured between November 1975 and August 15, 1977, constructed on Ford Econoline E350 vans, GMC Vandura vans, "and a few speciality vehicles for local and Federal use."

NHTSA has a different view of petitioner's problem, stemming from an investigation (CIR File 1712) of petitioner's compliance with Standard No. 205. Some of the unmarked glazing was used as windshields. A rigid plastic material such as Lexgard may not be used as a windshield under Standard No. 205, as it must have outside surfaces glass. With respect to some of the glazing, the marking issue is secondary to that of improper use. The ETL report to which petitioner refers does not state that Lexgard complies with Standard No. 205, only that it passes certain requirments of Z26.1 incorporated by reference in Standard No. 205. Accordingly, NHTSA intends to urge petitioner to conduct a notification and recall campaign for vehicles with the improper windshields, regardless of the resolution of the marking question.

Interested persons are invited to submit written data, views and arguments on the petition of Armored Vehicle Builders, Inc., described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: May 1, 1978.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on March 10, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-7049 Filed 3-15-78; 8:45 am]

[4910-59]

AUTOMOTIVE FUEL ECONOMY PROGRAM

Second Annual Report to the Congress; Correction

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

ACTION: Correction.

SUMMARY: In the FEDERAL REGISTER of January 23, 1978 (43 FR 3189), this agency published its second annual report to the Congress on its automotive fuel economy program. In that report, an incorrect value appeared as the alternative average fuel economy standard requested by Maserati in conjunction with its request for an exemption from the generally applicable standard for the 1978 model year.

FOR FURTHER INFORMATION CONTACT:

John Jacobus, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-755-9384.

SUPPLEMENTARY INFORMATION: Table 7 of the annual report, which appears at 43 FR 3218, lists the alternative average fuel economy standards requested by low volume manufacturers of passenger automobiles for the 1978 through 1980 model years. The information for Maserati incorrectly indicates that Maserati requested an average fuel economy standard of 4 miles per gallon for the 1978 model year. In fact, Maserati requested an alternative standard of 11 miles per gallon for the 1978 model year. Accordingly, the information for Maserati in Table 7 should read as set forth below:

TABLE 7.—*Alternative standards requested by low volume manufacturers for model years 1978 through 1980*

Manufacturer	Number of vehicles produced for the United States annually	Model year (miles per gallon)		
		1978	1979	1980
• • •		•		•
Maserati	200	11.0	11.2	11.5
• • •		•		•

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976.)

Issued on March 10, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-7050 Filed 3-15-78; 8:45 am]

[8230-01]

UNITED STATES INFORMATION AGENCY

ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on April 3, 1978. The session will commence at 9:15 a.m. in Room 1008 at 1750 Pennsylvania Avenue NW., Washington, D.C.

The session will be open to the general public. Persons wishing to attend the Commission's meeting should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547, telephone 724-9243, so that adequate space will be assured.

JANE S. GRYMES,
Federal Register Liaison Officer.

[FR Doc. 78-6860 Filed 3-15-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 612]

ASSIGNMENT OF HEARINGS

MARCH 13, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 80289 (Sub-No. 14), Red Line Furniture Carriers, Inc., now assigned May 1, 1978, at Philadelphia, PA, is canceled and application dismissed.

No. MC 123407 (Sub-No. 397), Sawyer Transport, Inc., now assigned April 5, 1978, at Washington, DC, is canceled and application dismissed.

No. MC 77424 (Sub-No. 40), Wenham Transportation, Inc., now being assigned April 18, 1978 (1 day), at Columbus, OH, in a hearing room to be later designated.

No. MC 143790 (Sub-No. 1), Federal Freight System, Inc., now being assigned April 19, 1978 (1 day), at Columbus, OH, in a hearing room to be later designated.

No. MC 139495 (Sub-No. 258), National Carriers, Inc., now being assigned April 20, 1978 (1 day), at Columbus, OH, in a hearing room to be later designated.

No. MC 124947 (Sub-No. 76), Machinery Transports, Inc., now being assigned April 21, 1978, at Columbus, OH, in a hearing room to be later designated.

No. MC 102616 (Sub-No. 935), Coastal Tank Lines, Inc., now being assigned April 24, 1978 (2 days), at Columbus, OH, in a hearing room to be later designated.

No. MC-F-13355, B&L Motor Freight, Inc.—Merge—Prunty Motor Express, Inc., and No. MC 123255 (Sub-No. 124), B&L Motor Freight, Inc., now being assigned April 26, 1978 (3 days), at Columbus, OH, in a hearing room to be later designated.

Section 5b, Application No. 1, Alaska Rail-Water Association—Agreement, now assigned April 3, 1978, at Seattle, WA, will be held in Room 370, Federal Building, 915 Second Avenue.

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

[FR Doc. 78-7061 Filed 3-15-78; 8:45 am]

[7035-01]

[Administrative Ruling No. 128]

FREIGHT CHARGES AND CARGO CLAIMS

Interpretation

MARCH 9, 1978.

In response to questions, this indicates what the Bureau considers to be the correct interpretation of the Act. The ruling is tentative and in absence of Commission decisions.

Question: On August 3, 1937, the former Bureau of Motor Carriers issued Administrative Ruling No. 65 which states that a motor common carrier may not lawfully postpone the collection of freight charges against a shipper where the shipper has filed a loss or damage claim against the carrier. Is this ruling still effective?

Answer: Yes. There has been substantial publicity regarding the use of setoff for freight charges and cargo claims. Presumably this results principally from the recent bankruptcies of several large regulated carriers and the court's decision *In re Yale Express System, Inc.*, 362 F. 2d 111 (1966). No applicable provision of the Interstate Commerce Act has been amended or deleted since Administrative Ruling No. 65.

Section 217(b) of the Interstate Commerce Act (49 U.S.C. 317(b)) prohibits a motor common carrier from demanding or collecting any different compensation for transportation or for services than the rates, fares and charges specified in that carrier's effective tariffs. The Elkins Act also prohibits every kind of rebate. See 49 U.S.C. 41; *United States* v. *Braverman*, 373 U.S. 405 (1963).

A carrier may not postpone the collection of lawfully established transportation charges simply because the shipper alleges loss or damage. Only the court has jurisdiction to permit setoff of loss and damage claims. *Chicago & N.W. Ry. Co.* v. *Lindell*, 281 U.S. 14 (1930).

A regularly published rate is "no longer merely imposed by the carrier, but becomes the rate imposed by law." *Louisville & N.R. Co.* v. *Dickerson*, 191 F. 705, 709 (6th Cir, 1911). Accordingly, the Supreme Court has held that equitable considerations do not alter the carrier's right to collect, and the shipper's duty to pay, such charges. *Baldwin* v. *Scott County Milling Co.*, 307 U.S. 478, 485 (1939).

Section 68 of the Federal Bankruptcy Act (11 U.S.C. 108)—which allows bankrupts and creditors to offset mutual debts and credits—does not effectively alter the *Lindell* rule (above) that setoffs are permissible only under a court's jurisdiction.

None of the provisions of section 68 allow offsetting before a bankruptcy petition has been filed and the debtors and creditors subjected to the jurisdiction of the bankruptcy court. Section 68 setoffs are subject to the bankruptcy court's discretion. See *Cumberland Glass Co.* v. *DeWitt*, 237 U.S. 447, 455 (1915).

The decision in *In re Yale Express System, Inc.*, above, does not depart from this view. There, setoffs occurred only after a Chapter X petition had been filed and a trustee-in-bankruptcy appointed. *Id.* at 113. As *Lindell* requires, the parties there were under judicial jurisdiction before they engaged in setoff.

Accordingly, this ruling supplements and affirms Administrative Ruling No. 65.

Any shipper or consignee encountering problems with the collection of loss or damage claims, may obtain assistance through any regional office or the Bureau's Section of Insurance.

ROBERT S. TURKINGTON,
Assistant Director.

[FR Doc. 78-7062 Filed 3-15-78; 8:45 am]

[1505-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

Correction

In FR Doc. 78-5393 appearing at page 8323 in the issue for Wednesday, March 1, 1978, the following corrections are made:

1. For the first line in the last paragraph in the third column on page 8326, insert, "No. MC 83539 (Sub-No. E439), filed May 31, 1977."

2. For the first line in the second complete paragraph in the first column on page 8327, insert, "No. MC 83539 (Sub-No. E448), filed May 31, 1977."

[7035-01]

[Notice No. 4]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b, and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before April 17, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77349, filed February 22, 1978. Transferee: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Road, Rochester, NY 14625. Transferor: Wm. B. Duffy Carting Co., Inc. (Louis A. Ryen, trustee), 228 South Plymouth Avenue, Rochester, NY 14608. Applicant's representative: S. Michael Richards and Raymond A. Richards, 44 North Avenue, Webster, NY 14580. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificates No. MC 71337 and MC 71337 (Sub-No. 5), issued March 15, 1956, and July 21, 1967, as follows: *Household goods,* between Rochester, NY, and points within 40 miles thereof, on the one hand, and, on the other, points in IN, IL, WI, VA, WV, KY, TN, NC, SC, FL, and GA. *Such commodities which because of weight or size require the use of special equipment,* between Rochester, NY, on the one hand, and, on the other, points in PA, NJ, CT, and MA, and *household goods, as defined by the Commission,* between points within 40 miles of Rochester, NY, on the one hand, and, on the other, points in VT, NH, PA, MI, MA, RI, OH, NJ, NY, ME, CT, MD, and DC. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b). Transferee is affiliated with MCE Transportation Co., Inc. (MC 134653).

No. MC-FC-77360, filed February 28, 1978. Transferee: CATHERINE RAGEN, d.b.a. RAGEN TRANSPORTATION CO., 860 Charles Street, Gloucester City, NJ 08003. Transferor: William Ragen and Catherine Ragen, a partnership, Ragen Transportation Co., 860 Charles Street, Gloucester City, NJ 08003. Applicant's representative: Harry C. Maxwell, P.O. Box 887, Cherry Hill, NJ 08003. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 44373 issued November 4, 1964, as follows: *Cork, cork products, rugs, carpets, olives, mushrooms, and poultry,* over specified regular routes, between Gloucester City, NJ, and New York, NY, serving no intermediate points, but serving the off-route points of Clarksboro and Swedesboro, NJ; *cork, cork products, and olives,* over irregular routes between Gloucester City, NJ, and Philadelphia, PA; *textile machinery,* between Beverly, NJ, on the one hand, and on the other, Norristown, Pottstown, and Spring City, PA; *general commodities,* with certain exceptions, between Beverly, NJ, and Philadelphia, PA, and *general commodities,* with certain exceptions, between points in Monmouth, Burlington, and Camden Counties, NJ, on the one hand, and, on the other, Philadelphia and Bristol, PA, New York, Verplanck, and Poughkeepsie, NY, and points in Westchester County, NY. Transferee is affiliated with Gloucester Trucking, Inc., an authorized motor carrier holding authority under MC 111470. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77453, filed March 2, 1978. Transferee: PALMER MOTOR COACH SERVICE, INC., P.O. Box 431, 205 South Main Street, Palmer, MA 01067. Transferor: The Direct Lines, Inc. (Internal Revenue Service—Successor in Interest), 2 Howe Avenue, Oxford, MA 01540. Transferee's representative: Gary E. Martinelli, Esq., 1500 Main Street, Springfield, MA 01115. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 2141, MC 2141 (Sub-No. 2), and MC 2141 (Sub-No. 5), issued April 3, 1956, September 29, 1961, and September 30, 1963, respectively, as follows: *Passengers and their baggage,* and express and newspapers in the same vehicle with passengers, over specified regular routes, between Webster and Southbridge, MA, serving all intermediate points; *passengers,* in special round-trip operations, restricted to the transportation of passengers who, at the time, are traveling for the purpose of participating in bingo games, beginning and ending at Southbridge, Webster, and Worcester, MA, and extending the Manville, RI; and *passengers,* in special round-trip operations, beginning and ending at Auburn, Charlton, Oxford, Webster, Dudley, Southbridge, and Sturbridge, MA, and extending to the site of the Pratt & Whitney Division of United Aircraft Corp., plant in East Hartford, CT. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 106642. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77456, filed February 23, 1978. Transferee: JACK M. BASHAM, d.b.a. CITY DRAY, 318 Poplar Street, Spooner, WI 54801. Transferor: C. W. Fox, d.b.a. C. W. Fox Trucking, 322 River Street, Spooner, WI 54801. Applicant's representative: Paul H. Waggoner, Waggoner & Stiehm, Ltd., 113 River Street, Spooner, WI 54801. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 125108, issued March 12, 1976, as follows: *General commodities,* with certain exceptions, over specified regular routes, between Spooner, WI, serving no intermediate points. Restriction: The service authorized herein shall be limited to the transportation of traffic interchanged with connecting line motor carriers at Spooner, WI. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77556, filed February 27, 1978. Transferee: MICHAEL B. CHAIKLIN, 33 Court Street, New Britain, CT 06051. Transferor: John G. O'Brien, 233 Main St., New Britain, CT 06051. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, CT 06103. Authority sought for purchase by Transferee of the brokerage license of Transferor as set forth in license No. MC-12901 issued May 27, 1965 as follows: *Passengers and their baggage* with restrictions, in special and charter operations, between points in the U.S., including AK and HI. Beginning and ending at points in CT and extending to points in the U.S., including AK and HI. Applicant is authorized to engage in the above-specified operations as a broker

at New Britain, CT. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210(b).

No. MC-FC-77558, filed February 27, 1978. Transferee: DENNIS KUJAWA, d.b.a. Farmers Supply Co., Buckman, MN 56317. Transferor: Dale Nichols, d.b.a. Nichols Trucking Co., P.O. Box 207, Grand Rapids, MN 55744. Applicants' Representative: Mr. James T. Flescher, Practitioner, 1745 University Avenue, St. Paul, MN 55104. Authority sought for purchase by transferee of portions of the operating rights of transferor as set forth in Certificates Nos. MC 111323 (Sub-No. 1) and MC 111323 (Sub-No.2) issued September 22, 1966, and May 8, 1967, respectively, as follows: *Malt beverages,* in containers, from Sheboygan and La Crosse, WI to Pierz, MN; and *malt beverages,* in containers, from Milwaukee, WI to Pierz, MN. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77562, filed February 28, 1978. Transferee: CAPPELLO TRUCKING, INC., 416 South Street, Marlboro, MA 01752. Transferor: Prescott Enterprises, Inc., (Internal Revenue Service, Successor-In-Interest), 73 Arlington Street, Chelsea, MA 02150. Applicants' representative: Eugene X. Giroux, Attorney-at-Law, One Court Street, Boston, MA 02108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 98032 (Sub-No. 1), issued August 26, 1975, as follows: *Lumber,* between Boston, MA on the one hand and, on the other, Providence, Pawtucket, and Westerly, RI, points in NH, and those in MA within 50 miles of Boston. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 91550 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

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

[FR Doc.78-7060 Filed, 3-15-78; 8:45 am]

[7035-01]

[Volume No. 71]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

MARCH 8, 1978.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(E)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of Section 247(E)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 5603 (Sub-No. 2), filed January 13, 1978. Applicant: CHALMERS MOTOR FREIGHT, INC., 275 Langhorne Yardley Road, Langhorne, PA 19047. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Non-carbonated beverages, chilled juices* in vehicles equipped with mechanical refrigeration, and *lemonade crystals,* from Hightstown and Vincentown, NJ, to points in CO, ME, MA, NH, RI, and VT under a continuing contract or contracts with Coca Cola Company Foods Division, located at Hightstown, NJ.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Philadephia, PA.

No. MC 14552 (Sub-No. 63 F), filed February 21, 1978. Applicant: J. V. MCNICHOLAS TRANSFER CO., a Corporation, 555 W. Federal St., Youngtown, OH 44502. Applicant's representative: Paul Berry, 275 E. State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) between Youngstown, OH, on the one hand, and, on the other, points in Hancock County, WV, on, south and east at a line beginning at the intersection of WV Hwy 2 and WV Hwy 8, then northeast on WV Hwy 8 to U.S. Hwy 30, then north on U.S. Hwy 30 to the OH River, (b) from the intersection of the WV-PA State line and U.S. Hwy 30 to points in OH. Restriction: (1) restricted against the transportation of precut buildings from and to the facilities of Albee Homes, Inc. at Niles, OH, (2) restricted against flavored and phosphated beverages from and to the plantsite of Custom Beverage Packers, Inc. at Aurora, OH, and (3) restricted against service to and from points presently authorized to be served in the transportation of general commodities over regular routes, except Akron, OH, as set forth in MC 14552 (Sub-No. 38), and (2) steel mill materials, used in the manufacture of steel, except commodities in bulk, and rolling mill rolls, from points in WV on and north of a line beginning at the intersection of the WV-OH State line and U.S. Hwy 60, then east on U.S. Hwy 60 to U.S. Hwy 19, then north on U.S. Hwy 19 to WV Hwy 39, then east on WV Hwy 39 to the WV-VA State line to points to Columbiana, OH.

NOTE.—This is a gateway elimination request and applicant seeks to eliminate gateways as follows: (1)(a) Pennsylvania gateway, (1)(b) Pennsylvania and Youngstown and Akron, OH gateways, and (2) Youngstown, OH gateway.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, OH. Common control may be involved.

No. MC 20722 (Sub-No. 33-F), filed February 16, 1978. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, NY 14240. Applicant's representative: Walter N. Bieneman 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, from East Huntingdon Township, Westmoreland County, PA, to points in MN, ID, AR, LA, TX, OK, KS, NE, SD, ND, MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA (hearing site: Washington, DC). Common control and dual operations may be involved.

No. MC 46280 Sub-No. 83 filed January 30, 1978. Applicant: KEY FREIGHT, INC., 15 Andre Street, SE, Grand Rapids, MI 49507. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, in the transportation of: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Grand Rapids and Clare, MI: From Grand Rapids over U.S. Hwy 131 to junction with MI Hwy 57, then over MI Hwy 57 to its junction with U.S. Hwy 27, then north on U. S. Hwy 27 to Clare and return over the same route, serving all intermediate points, and serving the off-route points of Alma, St. Louis, Winn, Weidman, Beal City, Vandercar, Delwin, Vernon Center, Rosebush, Leaton, Belding, Saranac, Ionia and Lowell, MI., restricted to traffic interlined at Grand Rapids, and Detroit, MI with other carriers.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, IL or Washington, DC. Common control may be involved.

No. MC 52921 (Sub-No. 30-F), filed February 6, 1978. Applicant: RED BALL, INC., P.O. Box 530, Sapulpa, OK 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N. W. 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material* (except in bulk), from the plantsite of the Fibreboard Corporation located at or near Fruita, CO, to points in AR, LA, MS, OK, and TX.

NOTE.—Common control may be involved. (Hearing site: San Francisco, CA.)

No. MC 43038 (Sub-No. 472-F), filed February 3, 1978. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174. Applicant's representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor Vehicles* [except trailers], in truckaway service, from Baton Rouge and Port Allen, LA, to points in IA and NE.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, MI.; Chicago, IL., or Washington, DC. Common control may be involved.

No. MC 60014 (Sub-No. 70-F), filed February 7, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk material handling equipment, parts* and *components*, from St. Joseph, MO to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MT, NE, NM, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and WY.

NOTE.—Hearing site: Kansas City, MO or Washington, DC.

No. MC 60014 (Sub-No. 72F), filed February 6, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, accessories*, and *supplies* used in the manufacture and sale thereof, from Geneva County, AL to points in the U.S., (except AK and HI,) and the return thereof.

NOTE.—Hearing site—Birmingham, AL or Washington, DC.

No. MC 69454 (Sub-No. 5), filed January 10, 1978. Applicant: DITTO FREIGHT LINES, a corporation, 1575 Industrial Avenue, San Jose, CA 95112. Applicant's representative: Walter H. Walker III, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in ocean containers or roll-on/roll-off ocean trailers (restricted to transportation of traffic to or from ports, having an immediate prior or subsequent movement by water, or to or from foreign trade zones); and (2) *empty containers, chassis* and *trailers* between points in WA, OR, CA, NV, ID, UT, AZ, NM, CO, WY, MT, ND, SD, NE, KS, OK, TX, IL, MS, AR, LA, and TN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at San Francisco, CA.

No. MC 72423 (Sub-No. 4), filed January 13, 1978. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 East Chestnut Street, Sterling, CO 80751. Applicant's representative: Raymond M. Kelley, 450 Capitol Life Center, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Logan, Morgan, Phillips, Sedgwick, Washington and Yuma Counties, CO, on the one hand, and, on the other hand, points in IA, KS, MO, NE, NM, OK, SD, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Denver, CO.

No. MC 89369 (Sub-No. 19F), filed February 8, 1978. Applicant: JOART TRUCKING CO., a corporation, P.O. Box 332, New Brunswick, NJ 08903. Applicant's representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Dry sulfate of alumina* in bulk in tank or hopper-type vehicles from Newark, NJ, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, WV, and DC.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Newark, NJ, or New York, NY.

No. MC 108393 (Sub-No. 135-F), filed February 16, 1978. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, ceiling tile, floor covering and floor tile, and materials, supplies and equipment* used in the installation and maintenance of carpet, ceiling tile, floor covering and floor tile, between Marietta, Lancaster and Landisville, PA, on the one hand, and, on the other, points in Boone, Cook, DuPage, Kankakee, Kendall, Lake, McHenry, Will and Winnebago Counties, IL, and Lake County, IN, under continuing contract or contracts with Whirlpool Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, DC.

No. MC 108859 (Sub-No. 64), filed December 22, 1978. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue, North Escanaba, MI 59829. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A&B explosives,

household goods as defined by the Commission, commodities in bulk and commodites requiring special equipment), serving the plant and/or warehouse sits of Soundesign Indiana Corp. located at or near Tell City, Perry County, IN, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, the applicant request that it be held at Chicago, IL or Washington, DC.

Docket No. 109847 (Sub-No. 24F), filed February 17, 1978. Applicant: BOSS-LINCO LINES, INC., 3909 West Genesee Street, Cheektowaga, NY 14225. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as those defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Cleveland, OH and Dunkirk, NY, serving all intermediate points in the State of OH; and those in the State of PA, restricted to delivery service only: From Cleveland, OH over Interstate Hwy 90 to Dunkirk, NY and return over the same route. (2) Between the intersection of U.S. Hwy 219 and Interstate Hwy 80 at or near DuBois, PA and Carlstadt, NJ in connection with the carrier's authorized regular route operations, serving no intermediate points: From the intersection of U.S. Hwy 219 and its junction with Interstate Hwy 80 at or near DuBois, PA; over Interstate Hwy 80 to its junction with NJ Hwy 17 and thence over Hwy 17 to Carlstadt, NJ and return over the same route. (3) Between Cleveland, OH and the junction of U.S. Hwy 219 and Interstate Hwy 80 at or near DuBois, PA, serving all intermediate points in the State of OH; and the junction point of Interstate Hwys 79 and 80 for joinder only and all other points in PA, restricted to delivery only: From Cleveland, OH over Interstate Hwy 480 to its junction with Interstate Hwy 80 and thence over Interstate Hwy 80 to its junction with U.S. Hwy 219 and return over the same route. (4) Between Pittsburgh, PA and the intersection of Interstate Hwy 80 and U.S. Hwy 219 at or near DuBois, PA: From Pittsburgh, PA over U.S. Hwy 22 to the junction of U.S. Hwy 119 at or near Blairsville, PA; thence over U.S. Hwy 119 to its junction with Interstate Hwy 80 at or near DuBois, PA, and return over the same route. (5) Between Pittsburgh, PA and Cleveland, OH serving all intermediate points: From Pittsburgh, PA, over U.S. Hwys 22 and 30 to their junction with U.S. Hwy 60; thence over U.S. Hwy 60 to its junction with U.S. Hwy 51; thence over U.S. Hwy 51 to the OH State Line; then over U.S. Hwy 14 to its junction with U.S. Hwy 480; thence over U.S. Hwy 480 to Cleveland, OH, and return over the same route. (6) Between Pittsburgh, PA and Marietta, OH, serving all intermediate points: From Pittsburgh, PA over Interstate Hwy 79 to its junction with Interstate Hwy 70, thence over Interstate Hwy 70 to its junction with Interstate Hwy 77 at or near Cambridge, OH, thence over Interstate Hwy 77 to Marietta, OH and return over the same route. (7) Between Cleveland, OH and Marietta, OH, serving all intermediate points: From Cleveland, OH over Interstate Hwy 77 to Marietta, OH and return over the same route. (8) Between Pittsburgh, PA and Westfield, NY, serving the junction point of Interstate Hwys 79 and 80 for purposes of joinder only, and serving all other intermediate points in the States of NY and PA, restricted to delivery only: From Pittsburgh, PA over Interstate Hwy 79 to its junction with Interstate Hwy 90 at Erie, PA, and thence over Interstate Hwy 90 to Westfield, NY, and return over the same route. (9) Between Pittsburgh, PA and Binghamton, NY, serving all intermediate points in NY State and all intermediate points in the State of PA restricted to delivery only: From Pittsburgh, PA over U.S. Hwy 22 to its junction with U.S. Hwy 220 at Hollidaysburg, PA; thence over U.S. Hwy 220 to its junction with NY Hwy 17 at or near Waverly, NY; thence over NY Hwy 17 to Binghamton, NY, and return over the same route. (10) Between Pittsburgh, PA and Carlstadt, NJ, serving all intermediate points in the State of PA on the specified route and west of U.S. 15, restricted to delivery only: From Pittsburgh, PA over Interstate Hwy 279 to its junction with Interstate Hwy 79; thence over Interstate Hwy 79 to its junction with Interstate Hwy 80; thence over Interstate 80 to its junction with NJ Hwy 17; thence over NJ Hwy 17 to Carlstadt, NJ and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it to be held in New York, New York or Hartford, Connecticut. The purpose of this application is to convert irregular route authority acquired under MC-F-12461, to regular route authority.

No. MC 110525 (Sub-No. 1225-F), filed February 6, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles from the facilities of E. I. DuPont deNemours & Co. at Woodstock, TN (near Memphis), to points in UT and WY.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 112304 (Sub-No. 130-F) filed February 3, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals and metal articles*, between the plantsite and facilities of Sheffield Southern Steel Products, located at or near Lenoir City, TN, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, NC, OH, SC, TN, and WV.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville, TN, or Washington, DC. Common control may be involved.

No. MC 114989 (Sub-No. 21), filed December 23, 1977. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Hopkinsville, KY 42240. Applicant's representative: Richard D. Gleaves, 631 Stahlman Building, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: *Milk cartons*, (1) from Sikeston, MO, and its commercial zone, to Hopkinsville, KY, and its commercial zone, under a continuing contract, or contracts, with Model Pure-Milk Company. (2) from Sikeston, MO, and its commercial zone to Nashville, TN, and its commercial zone, under continuing contract, or contracts, with Seal Test Foods, a division of Kraft, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, TN. Applicant holds motor common carrier authority in MC 115762 and other subs, therefore dual operations may be involved. Common control may be involved.

No. MC 115162 (Sub-No. 406-F), filed February 7, 1978. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, plastic siding, tubing, fittings, connections and materials, supplies and accessories* used in the manufacture and installation thereof (except commodities in bulk, in tank vehicles), between the facilities of Robintech Incorporated, located at or near Weatherford, TX, on the one hand, and, on the other, points in the United States (except in AK and HI).

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Dallas, or Houston, TX.

No. MC 115826 (Sub-No. 289-F), filed February 3, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088 T.A., Denver, CO 80217. Applicant's representative: Howard Gore, P.O. Box 5088 T.A., Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic cellulosic insulation material and materials, supplies*, and *equipment* used in the manufacture thereof, between points in CO and TX, on the one hand, and, on the other, points in and west of MI, IN, KY, TN, and AL (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Denver, CO.

No. MC 117119 (Sub-No. 671-F), filed February 6, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail discount, department, or variety stores (except commodities in bulk) from points in CT, MA, NJ, RI, NH, those points in NY on and east of U.S. Hwy 15, those points in PA on and east of U.S. Hwy 15, and Wilmington, DE, to the facilities of Wal-Mart Stores, Inc. at Bentonville and Searcy, AR.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, MO.

No. MC 117589 (Sub-No. 47) (correction), filed December 19, 1977, published in the FEDERAL REGISTER issue of February 16, 1978, and republished, as corrected, this issue. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, WA 98108. Applicant's representative: Michael D. Duppenthaler, 607 Third Avenue, 515 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen Fruits, Frozen Vegetables* and *Frozen Berries*, (2) *Frozen Potatoes, Frozen Potato Products and Juice*, and (3) *Commodities*, the transportation of which would be otherwise exempt from regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with commodities listed in (1) and (2) above, (1) above, from Kennewick and Grandview, WA, to points in CO, (2) and (3) above, from points in WA and OR to points in CO.

NOTE.—If a hearing is deemed necessary, the applicant request it be held at Seattle, WA. The purpose of this correction is to show applicant's request to transport frozen potatoes in part (2) above.

No. MC 117993 (Sub-No. 9), filed December 29, 1977. Applicant: FRUITBELT TRUCKING INC., 12 Smith Street, St. Catharines, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of frozen juices and concentrates, from the facilities of Lykes Pasco Packing Co. at or near Dade City, FL, to ports of entry on the International Boundary line between the United States and Canada, located in NY and MI, for furtherance into Canada.

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Buffalo, NY.

No. MC 118959 (Sub-No. 160F), filed February 3, 1978. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Plastic articles*, (except commodities in bulk), from Jacksonville, FL, to points in the United States, (except AK and HI). (2) Materials, equipment and supplies used in the manufacture or distribution of plastic articles, (except commodities in bulk), from points in the United States, (except AK and HI), to Jacksonville, FL.

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Jacksonville, FL or Atlanta, GA. Common control may be involved.

No. MC 119988 (Sub-No. 134F), filed February 13, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., Hwy 103 E, P.O. Box 1384, Lufkin, TX 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department and variety stores* (except commodities in bulk), from points in AL, AR, CA, FL, GA, IL, LA, MA, MO, NC, NY, OH, PA, SC, TX, and WA, to the facilities of W. E. Walker Stores, Inc., at or near Columbia, MI and Diboll, TX.

NOTE.—Hearing site: Jackson MS or Birmingham, AL.

No. MC 123157 (Sub-No. 38-F), filed February 3, 1978. Applicant: CTI, P.O. Box 397, Rillito, AZ 85246. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flyash*, in bulk, between points in NM, AZ, TX, and CO.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, AZ.

No. MC 123420 (Sub-No. 5), filed January 3, 1978. Applicant: ALBERT L. DERBY, P.O. Box 56, Whitewood, SD 57793. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, building and construction materials and supplies*, (a) Between the facilities of St. Regis Paper Co. at or near Pierre and Whitewood, SD; Bismarck, ND; Cass Lake and Shakopee, MN, on the one hand, and, on the other hand, points in CO, IA, MN, MT, NE, ND, SD, and WY; and (b) Between the facilities of St. Regis Paper Co. located at or near Whitewood, SD, on the one hand, and, on the other hand, points in KS and WI, under a continuing contract with St. Regis Paper Co.

NOTE.—Applicant presently has a portion of this authority in it's Sub-No. 2. If a hearing is deemed necessary, applicant requests that it be held at Des Moines, IA.

No. MC 127042 (Sub-No. 205F), filed February 10, 1978. Applicant: HAGEN, INC., P.O. Box 98-Leeds Station, Sioux City, IA 51108. Applicant's representative: Robert G. Tessar, Director of Traffic, Hagen, Inc., P.O. Box 98-Leeds Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt and ice cream*, in containers, from the facilities utilized by Mountain High, Inc., at or near Boulder and Denver, CO, to points in AZ and CA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, CO.

No. MC 127705 (Sub-No. 47F), filed February 13, 1978. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *pulpboard* and *fibreboard boxes* and *pulpboard* and *fibreboard bundles* and *rolls* (except corrugated) from Monroe, MI to points in KY, IN, on and south of U.S. Hwy 40, MA, ME, NJ, NY, and PA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, MI

No. MC 128638 (Sub-No. 19-F), filed February 3, 1978. Applicant: CEN-

TRAL GRAIN HAULERS, INC., Route 7, Van Meter Road, Winchester, KY 40391. Applicant's representative: George M. Catlett, Suite 708, McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers in bulk*, from the plant site of Agrico Chemical Company, at Melbourne, KY, to points in IL, IN, KY, MI, OH, VA, and WV. Restricted to the transportation of traffic originating at the above mentioned plant site.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, OH, or Louisville, KY.

No. MC 133095 (Sub-No. 180-F), filed February 6, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products and meat byproducts*, from the plant site of Armour & Company located at or near Hereford, TX, to points in CA and AZ.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, TX. Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved.

No. MC 134035 (Sub-No. 21F), filed February 13, 1978. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, P.O. Box 698, Highway 75 South, Carsicana, TX 75110. Applicant's representative: CLINT OLDHAM, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *toys and games* (1) from Harrisburg, PA to Dallas and Houston, TX; Denver, CO; Chicago, IL; Collierville, TN; Los Angeles, San Jose and San Francisco, CA; Salt Lake City, UT; St. Louis, MO; Portland, OR; and Seattle, WA; (2) from Collierville, TN to Harrisburg, PA; Dallas and Houston, TX; Denver, CO; Los Angeles, San Jose and San Francisco, CA; Salt Lake City, UT; St. Louis, MO; Portland, OR; and Seattle, WA; (3) from Los Angeles, CA; to Harrisburg, PA and Collierville, TN; and (4) from Herndon, PA to Los Angeles, CA and Collierville, TN. (Hearing site: Washington, D.C. or Pittsburg, PA).

No. MC 135221 (Sub-No. 7-F), filed February 7, 1978. Applicant: DICK SIMON TRUCKING, INC., 3700 South 4355 West, Salt Lake City, UT, 84120. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, and materials, supplies and equipment, componentry and compounds* used in the manufacture, packaging, and distribution of the aforesaid commodities, in vehicles equipped with mechanical refrigeration, (a) between Des Plaines, IL, Clearfield, UT, and Hawthorne, Gardena, and Compton, CA on the one hand and, on the other, NY, Mamaroneck and Forest Hills, NY; Newark, North Bergen, Kearny, Belleville, Secaucus, and South Plainfield, NJ; Ashland, OH; Pittsburgh and Philadelphia, PA; Baltimore, MD; Bridgeport, CT; Boston, MA; Kansas City and St. Louis, MO; Montross, VA; Memphis, TN; Dundee, MI; and Washington, D.C.; Milwaukee, WI; Clearfield, UT; and Hawthorne, Gardena and Compton, CA.; (b) from Clearfield, UT, to Dallas TX, Atlanta, GA, Maspeth, NY, Coldwater, MI; Chicago, IL, and Minneapolis, MN and (c) from LaMirada and Chino, CA, to Clearfield, UT. Restriction: Restricted to traffic originating at the facilities of suppliers and distribution centers of Max Factor & Co., and destined to distribution centers of Max Factor & Co., at the above-named points.

NOTE.—Applicant holds contract carrier authority in No. MC 138056, Sub-No. 1, therefore dual operations may be involved. (Hearing site: Salt Lake City, UT).

No. MC 135884 (Sub-No. 13F) filed February 13, 1978. Applicant: CALDWELL TRUCKING, INC., Holdman Route, Pendleton, OR 97801. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or packaged baby formula, soybeans, powdered soy milk*, and *vegetable protein*, from the facilities of Loma Linda Foods, located at or near Mt. Vernon, OH, to the facilities of Loma Linda Foods, located at or near Denver, CO, Forth Worth, TX and Lincoln, NE, and the port of entry on the U.S.-Canada International Boundary located at or near Blaine, WA., under a continuing contract or contracts, with General Conference Corporation of Seventh Day Adventists, d.b.a. Loma Linda Foods. Hearing Site: Portland, OR.

NOTE.—Applicant states it intends to participate in traffic moving into Canada through the above-described port of entry.

No. MC 138512 (Sub-No. 30-F), filed February 3, 1978 Applicant: ROLAND'S TRANSPORTATION SERVICES, INC. doing business as WISCONSIN PROVISIONS EXPRESS, P.O. Box 477, Cudahy, WI 53110. Applicant's representative: Richard C. Alexander, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, and *equipment, materials, and supplies* used in the manufacture of cheese and cheese products (except commodities in bulk), from points in WI, to points in AZ, CA, and MT, under a continuing contract, or contracts, with L. D. Schreiber Cheese Co., Inc., located at Green Bay, WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, WI, or Chicago, IL.

No MC 138941 (Sub-No. 27-F), filed Fedruary 6, 1978, Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, CA 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlantic, GA 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except in bulk), from the facilites of Mobil Chemical Co., Plastics Division, in Ontario, Wayne, and Monroe Counties, NY, to points in the United States (except AK and HI); and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture of plastic articles, from points in the United States (except AK and HI), to the facilities of Mobil Chemical Co., Plastics Division, in Ontario, Wayne, and Monroe Counties, NY, under a continuing contract or contracts with Mobil Chemical Co., Plastics Division.

NOTE.—(Hearing site: Buffalo, NY.)

No. MC 140829 (Sub-No. 77F), filed February 13, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and plastic products, and materials, equipment and supplies* utilized by a manufacturer of wire and plastic products, from the facilities of Metropolitan Wire Goods Corp. at or near Wilkes-Barre and Quakertown, PA and Berkeley Heights, NJ to CA, OK, and TX.

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder, therefore dual operations may be involved. (Hearing site: Washington, DC.)

No. MC 141010 (Sub-No. 4F), filed February 8, 1978. Applicant: CONTRACT TRANSPORT, INC., RR No. 3, Norwalk, IA 50211. Applicant's 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: *Paper and paper products*, (1) between the facilities of Distinctive Packaging at West Des Moines, IA, on the one hand, and, on the other, St. Joseph and St.

Louis, MO and Moline and Morrison, IL, and (2) from St. Joseph and St. Louis, MO to points in IA, under continuing contract or contracts in Parts (1) and (2) above with Distinctive Packaging of West Des Moines, IA.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at either Des Moines, IA or Omaha, NE.

No. MC 141652 (Sub-No. 23F), filed February 3, 1978. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, MS 39208. Applicant's representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Synthetic rubber-liquid, synthetic rubber-crude, plasticizers and synthetic rubber-resins*, from Moss Point, MS, to points in NJ and PA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, NY or Atlanta, GA. Applicant holds contract carrier authority in MC 138807 and subs thereunder, therefore, dual authority may be involved.

No. MC 142941 (Sub-No. 15F), filed February 6, 1978. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Avenue, Phoenix, AZ 85003. Applicant's representative: Lewis P. Ames, 10th Floor, 111 West Monroe, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *frozen prepared foods;* and (2) *agricultural (including horticultural) and fish (including shellfish) commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time as the commodities in (1) above, (a) from the facilities of Van de Kamp's located at Santa Fe Springs, CA, to points in IL, MI, OH, KS, MO, and Erie, PA, and Syracuse, NY (and points in their respective commercial zones); and (b) from Erie, IA, to points in IL, KS, MI, MN, MO, OH, WI, and Atlanta, GA, and Syracuse, NY (and points in their respective commercial zones); restricted in (a) and (b) above to the transportation for the above commodities in vehicles equipped with mechanical refrigeration.

NOTE.—Applicant proposes to transport loads composed solely of prepared foods as well as mixed loads of regulated and otherwise exempt commodities. If a hearing is deemed necessary, the applicant requests that it be held at either Los Angeles, CA or Phoenix, AZ.

No. MC 143754 (Sub-No. 2F), filed February 6, 1978. Applicant: MACZUK INDUSTRIES, INC., Route 2, New Haven, MO 63068. Applicant's representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer solutions* in bulk in tank vehicles, from New Haven, MO, to points in IL.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, MO.

No. MC 143993 (Sub-No. 2), filed February 23, 1978. Applicant: BLACK HILLS TRUCKING, INC., P.O. Box 2360, Casper, WY 82602. Applicant's representative: Robert J. Grady, One Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum* and *petroleum products*, in bulk, and in tank vehicles, between points in WY; ND; MT; CO; Beaver, Harper, Ellis, Dewey, Woods, Alfalfa, Major, Custer, Woodward, and Texas Counties, OK; and points in Hemphill, Ochiltree, Lipscomb, Roberts, and Hansford Counties, TX.

NOTE.—If a hearing is deemed necessary, applicant requets that it be held at either Casper, WY or Washington, DC.

No. MC 144069 (Sub-No. 1-F), filed February 3, 1978. Applicant: FREIGHTWAYS, INC., Post Office Box 5204, Charlotte, NC 28225. Applicant's representative: Ralph McDonald, Post Office Box 2246, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete building members*, from the plantsite of Gifford-Hill & Company, Inc., at Charlotte, NC., to points in GA, SC, TN and VA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Charlotte, NC.

No. MC 144099 (Sub-No. 1F), filed February 10, 1978. Applicant: Craven, Inc., d.b.a. ROCHE MOVING & STORAGE, INC., 505 South 1st Avenue, Pocatello, ID 83201. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments, between Pocatello, and Idaho Falls, ID, on the one hand, and, on the other points in Bonneville, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bannock, Bear Lake, Caribou, Franklin, Oneida, Power, and Bingham Counties, ID.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, ID.

No. MC 144113 (Sub-No. 2) (Amendment), filed January 3, 1978, published in the FEDERAL REGISTER issue of February 23, 1978 as MC 144133 (Sub-No. 2), and republished, this issue. Applicant: PRESSCOTT TRUCKING CORP., 218 Oak Street, Elizabeth, NJ 07201. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile picture kits*, from Lynchburg, VA, Madison Heights, VA, Pawtucket, RI, Taylorsville, Statesville, Greenville, Aberdeen, Spindale, and Williamston, NC, Greenville, Lugoff, Simpsonville, Wateree, Kingstree, and Williamston, SC, to points in NJ, CN, MA, RI, and Newburgh, NY, under a continuing contract with N. Erlanger, Blumgart & Co., Inc.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at New York, NY. The purpose of this republication is to show the addition of Spindale, NC as an origin, and Newburgh, NY, as a destination in the authority requested above; and to show applicant's correct number as MC 144113 (Sub-No. 2).

No. MC 144269, filed January 30, 1978. Applicant: MESSA ENTERPRISES, INC., P.O. Box 2000, Wise, VA 24293. Applicant's representative: Edwin C. Gillenwater, 1800 M Street, NW., Suite 1090 North, Washington, DC 20036. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Heavy equipment*, (including, but not limited to, *bulldozers, front-end loaders, trucks, graders, haulers, power shovels, scrapers, accessories* and *parts* therefor), between points in VA, TN, KY, WV, NC, SC, AL, MI, GA, IN, and IL.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Wise, VA.

No. MC 144295 F, filed February 13, 1978. Applicant: D. S. RUSSELL TRUCKING, INC., 3521 Virginia Beach Boulevard, Norfolk, VA 23502. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed peanuts in shells* from Franklin, VA to CA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Richmond, VA.

No. MC 144300F, filed February 10, 1978. Applicant: J & D TRUCKING, INC., 2985 Meadow Ave., P.O. Box 1610, Fort Myers, FL 33902. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *con-*

tract carrier by motor vehicle, over irregular routes, transporting: *Carpet backing, bagging, and other industrial fabrics,* from the facilities of Amoco Fabrics Co. at or near Hazelhurst, Nashville, and Bainbridge, GA, to points in CA, TX, and OK, under a continuing contract or contracts with Amoco Fabrics Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA.

No. MC 141496 (Sub-No. 1), filed January 13, 1978. Applicant: COLUMBIA STAGE LINES, LTD., 4972 Still Creek Avenue, Burnaby, British Columbia, Canada V5C 4E4. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and personal effects* in round-trip charter operations, beginning and ending at ports of entry on the U.S.-Canada boundary line located in WA and extending to points in MT, ID, WY, and UT.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, WA.

By the Commission.

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

[FR Doc. 78-6725 Filed 3-15-78; 8:45 am]

[7035-01]

[Volume No. 70]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

MARCH 7, 1978.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before April 17, 1978. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that is set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of Section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 730 (Sub-No. 411), filed December 16, 1977. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, P.O. Box 958, Oakland, CA 94604. Applicant's representative: A. G. Krebs, 1417 Clay Street, P.O. Box 958, Oakland, CA 94604. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between the junction of U.S. Hwys 6 and 77 at or near Lincoln, NE, and the junction of U.S. Hwys 50 and 81 at or near Newton, KS, as an alternate route for operating convenience only, serving no intermediate points, with service at Junction City, KS, and the termini for joinder purposes only: From the junction of U.S. Hwys 6 and 77 over U.S. Hwy 77 to junction U.S. Hwy 50, and then over U.S. Hwy 50 to junction U.S Hwy 81, and return over the same route; (2) Between the junction of U.S. Hwy 218 and Interstate Hwy 90, at or near Austin, MN, and the junction of MN Hwy 15 and Interstate Hwy 90, at or near Blue Earth, MN, as an alternate route for operating convenience only, serving no intermediate points, with service at junction U.S. Hwy 65 and Interstate Hwy 90, junction U.S. Hwy 169 and Interstate Hwy 90, and the termini for joinder purposes only: From the junction of U.S. Hwy 218 and Interstate Hwy 90 over Interstate Hwy 90 to the junction of MN Hwy 15, and return over the same route; (3) Between the junction of U.S. Hwy 50 at or near Pueblo, CO, and Interstate Hwy 25 and the junction of U.S. Hwy 66 at or near Amarillo, TX, and combined U.S. Hwys 87 and 287, as an alternate route for operating convenience only, serving no intermediate points, with service at the termini for the purposes of joinder only: From the junction of U.S. Hwy 50 and Interstate Hwy 25 over Interstate Hwy 25 to junction combined U.S. Hwys 64 and 87, then over U.S. Hwys 64 and 87 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction combined U.S. Hwys 87 and 385, then over combined U.S. Hwys 87 and 385 to junction U.S. Hwy 87, then over U.S. Hwy 7 to junction combined U.S. Hwys 87 and 287, and then over combined U.S. Hwys 87 and 287, and then over combined U.S. Hwys 87 and 287 to junction U.S. Hwy 66, and return over the same route; (4) Between the junction of CA Hwy 14 and Interstate Hwy 5 at or near Glendale, CA, and the junction of U.S. Hwy 395 and Interstate Hwy 80, at or near Reno, NV, as an alternate route for operating convenience only, serving no intermediate points, with service at the termini for purposes of joinder only: From the junction of CA Hwy 14 and Interstate Hwy 5 over CA Hwy 14 to junction U.S. Hwy 395, and then over U.S. Hwy 395 to junction Interstate Hwy 80, and return over the same route; (5) Between the junction of U.S. Hwys 83 and 40 at or near Oakley, KS, and the junction of U.S. Hwys 50 and 83, at or near Garden City, KS, as an alternate route for operating convenience only, serving no intermediate points, with service at the termini for purposes of joinder only: From the junction of U.S. Hwys 83 and 40 over U.S. Hwy 83 to junction U.S. Hwy 50, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or San Francisco, CA.

No. MC 730 (Sub-No. 413F), filed February 3, 1978. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, CA 94604. Applicant's representative: R. N. Cooledge, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and*

petroleum products, in bulk, from the plantsite of and facilities utilized by Exxon, U.S.A. in Harris County, TX, to points in the United States (except AK and HI), restricted to traffic originating at said plantsite and facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, TX or Dallas, TX.

No. MC 2095 (Sub-No. 11F), filed February 8, 1978. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth, R.F.D. 2, Box 10, Sabetha, KS 66534. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials and supplies used in the installation and distribution thereof*, from points in Marshall County, KS to points in TX, OK, MS, LA, AR, and TN.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, MO.

No. MC 2368 (Sub-No. 75F), filed February 6, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, VA 23204. Applicant's representative: William T. Marshburn, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Nitric acid*, in bulk, in tank vehicles from Gibbstown and Parlin, NJ to Hopewell, VA. (Hearing site: Washington, DC or Richmond, VA.)

No. MC 10872 (Sub-No. 48F), filed February 9, 1978. Applicant: BE-MAC TRANSPORT CO., INC., 7400 North Broadway, St. Louis, MO 63147. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, from Chickasha, OK, to points in IL on and north of Interstate Hwy 70.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, MO. Common control may be involved.

No. MC 28478 (Sub-No. 47), filed January 6, 1978. Applicant: GREAT LAKES EXPRESS CO., a corporation, 114 Fifth Avenue, New York, NY 10011. Applicant's representative: G. G. Heller, 114 Fifth Avenue, New York, NY 10011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and related commodities* manufactured by The Dow Chemical Co., between the plantsite of The Dow Chemical Co. at Ludington MI, on the one hand, and, on the other, Detroit MI, on traffic having prior or subsequent movement by rail or water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, NY or Washington, DC.

No. MC 37248 (Sub-No. 22 F), filed February 6, 1978. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, V-C Drive, Post Office Box 4988, Martinsville, VA 24112. Applicant's representative: Terrell C. Clark, P.O. Box 4988, Martinsville, VA 24112. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Paper and paper products, and woodpulp* between West Point, VA, on the one hand, and, on the other, points in Adams, Chester, Cumberland, Franklin, Lancaster, and York Counties, PA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, DC.

No. MC 39406 (Sub-No. 19), filed January 9, 1978. Applicant: CENTRAL MOTOR LINES, INCORPORATED, P.O. Box 1067, Charlotte, NC 28231. Applicant's representative: Garland V. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *aluminum ingots*, from plantsite of Keystone Resources Aluminum Division, Greensboro, GA, to Chicago, IL, and its commercial zone; Bedford Heights, Cleveland, Toledo, and Willoughby, OH; Jackson, MI; Pottstown, PA; Stamford, CT; and Henderson, KY. (2) *aluminum scrap* from CT, NY, NJ, PA, IL, IN, OH, KY, and NC, to plantsite of Keystone Resources Aluminum Division, Greensboro, GA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Atlanta, GA or Washington, DC.

No. MC 41849 (Sub-No. 40-F), filed February 6, 1978. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, MO 63110. Applicant's representative: Patrick M. Browne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials in bulk*, from the storage facilities of CF Industries at or near Bussen Spur, MO, to all points in the State of IL.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, MO.

No. MC 43716 (Sub-No. 32-F) filed February 6, 1978. Applicant: BIGGE DRAYAGE CO., a Corporation, 10700 Bigge Street, San Leandro, CA 94577. Applicant's representative: Edward J. Hegarty, 100 Bush Street—21st Floor, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products, and supplies, materials and equipment* used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc., and its subsidiary and affiliated companies located at or near Casa Grande, AZ, Long Beach, Riverside, Santa Fe Springs, Visalia, Perris Valley, and Woodland, CA, Boise and Twin Falls, ID, Stayton, OR, and Spokane and Ferndale, WA, on the one hand, and, on the other, points in MT, ID, UT, AZ, CA, NV, OR, WA, and ports of entry located on the International boundary line between the United States and Canada in Washington, and (2) *zinc and zinc alloys* (except in bulk) between the plantsites of Alumax, Inc., and its subsidiary and affiliated companies located at or near Long Beach, CA, on the one hand, and, on the other, points in MT, ID, UT, AZ, CA, NV, OR, WA, and ports of entry located on the International Boundary line between the United States and Canada in Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, CA.

No. MC 43867 (Sub-No. 38), filed January 17, 1978. Applicant: A LEANDER McALISTER TRUCKING COMPANY, a corporation, P.O. Box 2214, Wichita Falls, TX 76307. Applicant's representative: Brian E. Brewton, P.O. Box 2214, Wichita Falls, TX 76307. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the facilities of Nucor Steel, a Division of Nucor Corporation, at or near Darlington, SC, to points in IL, IN, OH, PA, NY, KY, TN, MS, and AL.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbia, SC or Washington, DC.

No. MC 43867 (Sub-No. 39), filed January 20, 1978. Applicant: A. LEANDER McALISTER TRUCKING COMPANY, a corporation, P.O. Box 2214, Wichita Falls, TX, 76307. Applicant's representative: Brian E. Brewton, P.O. Box 2214, Wichita Falls, TX 76307. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. (*a*) *Compressors and* (*b*) *drilling and mining equipment*, from Franklin, PA, to points in the United States (except AK and HI); 2. *Materials and supplies* used in the manufacture of the items in (1) above (except commodities in bulk), from points in the United States (except AK and HI) to Franklin, PA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Pittsburgh, PA or Washington, DC.

No. MC 52460 (Sub-No. 203F), filed February 6, 1978. Applicant: ELLEX

TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in containers, from the facilities of Hudson Foods, Inc., at or near Troy, AL to points in AR, CO, KS, LA, MS, MO, NM, OK, TN, and TX. (Heating site: Birmingham, AL.)

No. MC 60014 (Sub-No. 73F), filed February 6, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer converter dollies, packers, refuse containers, storage containers, material handling equipment and parts* from shipper's facilities at or near Vernon, AL to points in the United States (except AK and HI), and (2) *materials, supplies and parts* (except commodities in bulk) used in the manufacture, assembly and servicing of commodities named in (1) above, from the above named destinations to the shipper's facilities at or near Vernon, AL.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Birmingham, AL, or Washington, DC.

No. MC 61396 (Sub-No. 343F), filed February 1, 1978. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Applicant's representative: John E. Smith, II, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Optic, NE, to points in CO, and KS.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, NE.

No. MC 66886 (Sub-No. 64F), filed February 6, 1978. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts of cooling towers or parts of fluid coolers*, and *materials and supplies* used in the construction or installation of cooling towers or fluid coolers when moving in mixed loads with items which because of their size or weight require special equipment or handling, from the plantsite of the Marley Co., at or near Olathe, KS, to points in AL, AR, FL, GA, IA, IN, KY, LA, MS, NM, and TN.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, MO.

No. MC 74321 (Sub-No. 143F), filed February 6, 1978. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, CO 80217. Applicant's representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled crane or derrick mounted vehicles*, and *parts, attachments and accessories therefor*, from the facilities of General Cable Corp. at or near Westminster, CO, to points in the United States in and west of MN, IA, MO, AR, and LA (except AK, CO, and HI); from the facilities of General Cable Corp. at or near San Carlos, CA to points in the United States in and west of MN, IA, MO, AR, and LA (except AK, CA, and HI); and (2) *Materials, equipment and supplies* used in the manufacture of the commodities named in part (1) above (except commodities in bulk), from points in the United States in and west of MN, IA, MO, AR, and LA (except AK, CA, and HI), to the facilities of General Cable Corp. at or near San Carlos, CA; from points in the United States in and west of MN, IA, MO, AR and LA (except AK, CO and HI), to the facilities of General Cable Corp. at or near Westminster, CO.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Denver, CO, Salt Lake City, UT, or San Francisco, CA.

No. MC 79142 (Sub-No. 14F), filed February 7, 1978. Applicant: T & T TRUCKING & TRANSPORTATION CO., INC., 43-06 54th Road, Maspeth, NY 11378. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in or used by a manufacturer or distributor of electrical and electronic equipment, from Maspeth, NY, to Suffolk, Westchester, and Rockland Counties, NY; and (2) *returned shipments* of the commodities in (1) above, in the opposite direction, restricted in part (1) to traffic having a prior movement in interstate commerce.

NOTE.—Applicant holds contract carrier authority in No. MC 116858 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at New York, NY.

No. MC 83539 (Sub-479F), filed February 10, 1978. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Applicant's representative: Mr. Thomas E. James (same address as applicant). Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fireplaces, dampers, air heaters, ventilators, stoves, broilers, grates, cookers, grills, and parts, accessories, and display material* for the above, and (2) *equipment, materials, and supplies* used in the manufacture of the above. (a) Between the facilities of Whittier Steel & Manufacturing, Inc., located at or near Santa Fe Springs, CA, on the one hand, and, on the other, points in the U.S. (excluding AK and HI); and (b) between the facilities and shipping points of Whittier Steel & Manufacturing, Inc., located at or near Shelbyville, KY and Walled Lake, MI, on the one hand, and, on the other, points in the United States in and east of ND, SD, NB, KS, OK and TX.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, CA, or Dallas, TX.

No. MC 85255 (Sub-No. 60F), filed February 9, 1978. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, Seattle, WA 98124. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, WA 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulation materials; and* (2) *materials, supplies and equipment used or dealt in by insulation manufacturing plants* from Kirkland, WA to points in OR and ID.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle, or Olympia, WA. Common control may be involved.

No. MC 88380 (Sub-No. 29F), filed February 8, 1978. Applicant: REB TRANSPORTATION, INC., P.O. Box 4309, Fort Worth, TX, 76106. Applicant's representative: Jim McHargue (at same address). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *bitutimized fibre pipe and/or conduits, and accessories*, from the facilities of Bermico Co. located at or near West Bend, WI to points in OK, NM, TX, AR, and LA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Dallas or Ft. Worth, TX or Chicago, IL.

Docket No. MC 95876 (Sub-No. 227F), filed February 6, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No. St. Cloud, MN 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air filtration systems*, (2) *grain drying and cleaning systems*, (3) *industrial and municipal waste treatment equipment*, (4) *pneumatic conveying systems*, and (5) *equipment, materials and supplies* used in the manufacture, distribution and installation of items named in (1) through (4) above, between the facilities of CEA-Carter Day Co. at Minneapolis, MN, on the one hand, and, on the other, points in the United States (including AK, but excuding HI). (Hearing Site: St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 100666 (Sub-No. 378), filed January 25, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plastic Pipe* and *hydrants, valves, fittings, couplings* and *materials* and *supplies* used in the installation thereof, from the plantsite and storage facilities of Clow Corp. at or near Buckhannon, WV to points in and east of ND, SD, WY, CO, NM (except those points in and east of PA and MD.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 105007 (Sub-No. 39F), filed February 8, 1978. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. 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* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766. From the facilities of Wilson Foods Corp. located at Albert Lea, MN to points in WI. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

(Hearing site: Dallas, TX; alternate choice, Kansas City, MO).

NOTE.—Common control may be involved.

No. MC 105566 (Sub-No. 159F), filed February 9, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic articles* and *plastic materials*, (except in bulk), from Circleville and Vee, OH, to points in AZ, CA, CO, NV, OR, UT, and WA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC-105813 (Sub-No. 232F), filed February 6, 1978. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th Street, P.O. Box 1936, Ocala, FL 32670. Applicant's representative: ARNOLD L. BURKE, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk,) from points in CT, MD, MA, NJ, NY and PA to points in FL, GA, NC and SC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or New York, NY.

No. MC-107002 (Sub No. 525F), filed February 6, 1978. Applicant: MILLER TRANSPORTERS, INC., P.O. BOX 1123, JACKSON, MS 39205. Applicant's representatives: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles from the facilities of Olin Corp. at or near McIntosh, AL, to points in AL, AR, FL, GA, LA, MS and TN.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile, AL, or New York, NY.

No. MC 107496 (Sub-No. 1127 F), filed February 8, 1978. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed ingredients*, in bulk, in tank vehicles, from Memphis, TN to points in AL.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, IA or Nashville, TN. Common control may be involved.

No. MC 108119 (Sub-No. 78F), filed February 6, 1978. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut building, knocked down, and parts, attachments, materials* and *supplies* when moving with pre-cut buildings, From Fletcher and Elkin, NC, to points in the United States in and east of MI, WI, IL, MO, KS, OK and TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, NC. Common control may be involved.

No. MC 108119 (Sub-No. 79F), filed February 6, 1978. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authoirty sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log building*, knocked down, and *commodities* from Claremore, OK, to points in the United States (except IL, MO, AR, LA, TX, KS, CO, NE, IA, MN and SD.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, OK. Common control may be involved.

No. MC 108341 (Sub-No. 86F), filed February 6, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *(1) (a) Compressors and (b) drilling and mining machinery and equipment; (2) parts of commodities in (1) above; and (3) material and supplies* used in the manufacture of commodities in (1) and (2) above (except commodities in bulk), between Franklin, PA, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, DC or Pittsburgh, PA. Common control may be involved.

No. MC 109124 (Sub-No. 39F), filed February 2, 1978. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag, granulated, in bulk, in dump vehicles*, from the plantsite of H. B. Reed & Co., Inc., located at or near Cresap, WV to the plantsite and facilities of G.A.F. Corp. located at or near Erie, PA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, OH or Washington, DC.

No. MC 109397 (Sub-No. 391F), filed February 8, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corportation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: (1) *Self-propelled paving machines,* (2) *trailers* designed to transport the commodities in (1) above, and (3) *parts* of the commodities set out in (1) and (2) above, from Gwinnett County, GA, to points in CT, DE, MD, MA, NJ, NC, PA, RI, VA, WV, and the DC and those in that part of NY, on and south of NY Hwy 7.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Atlanta, GA or Birmingham, AL.

MC 109397 (Sub-No. 383F), filed February 9, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles,* from Georgetown County, SC, to points in and east of MN, IA, MO, AR, and LA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Charleston, SC or Atlanta, GA.

No. MC 111231 (Sub-No. 229), filed February 3, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities which require the use of special equipment), between Dallas, TX, and new Orleans, LA, from Dallas over Interstate Hwy 20 to Shreveport, LA, then over U.S. Hwy 71 to junction U.S. Hwy 190, then over U.S. Hwy 190 to Baton Rouge, LA, then over Interstate Hwy 10 and U.S. Hwy 61 to New Orleans, and return over the same routes, as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Little Rock, AR or Washington, DC.

No. MC 112617 (Sub-No. 382F), filed February 8, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, in tank vehicles; Between Paris, KY, on the one hand, and, on the other, to points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Louisville, KY, or Washington, DC.

No. MC 112801 (Sub-No. 197F), filed February 7, 1978. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, IL 60521. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Molasses, liquid feed and liquid feed supplements,* in bulk, in tank vehicles, from Memphis, TN, to points in IL, IN and MO.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Memphis, TN.

No. MC 112822 (Sub-No. 446F), filed February 2, 1978. Applicant: BRAY LINES INC., 1401 N. Little Street, P.O. Box 1191, Cushing, OK 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods and bakery products* (except in bulk), from the storage facilities of Pepperidge Farm, Inc. at Logan, UT, to points in AR, IL, NE, OK, SC, and TX.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Chicago, IL or Columbus, OH.

No. MC 113651 (Sub-No. 265F), filed February 2, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Applicant's representative: H. Barney Firestone, Suite 1600, 10 S. LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas and Agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Act when transported in mixed loads with bananas from points in NJ and NY located within the NY, NY Commercial Zone as defined by the Interstate Commerce Commission to points in CT, DE, IL, IN, IA, KY, MA, MD, MI, MO, NH, NY, OH, PA, RI, VA, WV, WI, and DC.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, DC or Chicago, IL.

No. MC 113678 (Sub-No. 715F), filed February 6, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), (1) from Espanola, NM to points in the United States (except AK and HI), and (2) from Albuquerque, NM, to points in the United States (except AK, AZ, CO, HI, KS, OK, and UT).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 113828 (Sub-No. 251), filed January 30, 1978. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW. Washington, DC 20006. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Cement,* from Norfolk, VA, to ND, SD, NE, ME, CO, NM, KS, OK, TX, MN, IA, MO, AR, LA, MS, IL, WI, MI, VT, NH.

NOTE.—Hearing Site: Washington, DC.

No. MC 113855 (Sub No. 404F), filed February 6, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road Southeast, Rochester, MN 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Precast stone,* and (2) *materials* and *supplies* used in the installation of precast stone, from points in Sacramento and Yolo Counties, CA, to points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, CA.

No. MC 114045 (Sub No. 492F), filed February 6, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas/Fort Worth Airport, TX 75261. Applicant's representative: J. B. Stuart, (same address as applicant). Authority sought to operate as a *Common Carrier,* by motor vehicle, over irregular routes, transporting: *Plumbing Fixtures and Fittings* and *related equipment* from Tiffin, OH, to points in AR, CO, IA, KS, LA, MN, MO, NE, ND, OK, SD, and TX. Restriction: Restricted against the transportation of commodities which because of their size or weight require the use of special equipment.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, TX, or New York, NY.

No. MC 114273 (Sub-No. 337F), filed February 8, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative:

Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, chemicals and toilet preparations* (except in bulk, in tank vehicles) from Brooklyn, NY, Parsippany, NJ and Groton, CT to points in IL. Restricted to traffic originating at and destined to the named points. The purpose of this application is to substitute single-line service for existing joint-line service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 338F), filed February 8, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Staples, nails, wire; and stapling and stitching machines* and machine parts moving in mixed loads with staples, nails, and wire from East Greenwich, RI, to Minneapolis, MN. Restricted to traffic originating at and destined to the named points. The purpose of this application is to substitute single-line service for existing joint-line service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 339F), filed February 8, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles) from Seabrook, NJ to Chicago, IL; Bettendorf and Iowa City, IA; Coldspur and Kansas City, KS; and Hopkins, MN. Restricted to traffic originating at and destined to the above-named points. The purpose of this application is to substitute single-line service for existing joint-line service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114552 (Sub-No. 152F), filed February 10, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Box 220, Newberry, SC 29108. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of, (1) *Plastic pipe, conduit, fittings, couplings and materials, accessories and supplies* used in the installation thereof, from points in Geneva County, AL, to points in the United States in and east of ND, SD, NB, KS, OK and TX: and, (2) *plastic pipe, conduit, fittings, couplings and materials, accessories and supplies* used in the installation thereof, from points in the United States in and east of ND, SD NB, KS, OK and TX to points in Geneva County, AL.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA.

No. MC 115311 (Sub-No. 262F), filed February 8, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over common routes transporting: *Glass containers, corrugated cartons and fillers* from the facilities of Midland Glass Co. at or near Warner Robins, GA to points in Surry, Yadkin, Stokes, Forsyth, Davidson, Rockingham, Guilford, Randolph, Chatham, Alamance, Caswell, Person and Orange Counties, NC and Grayson, Carroll, Patrick, Henry, Pittsylvania, Halifax, Floyd, Franklin, Campbell, Bedford and Montgomery Counties, VA. (Hearing site: Atlanta, GA or Washington, DC.)

No. MC 115331 (Sub-No. 449F), filed February 9, 1978. Applicant: TRUCK TRANSPORT INC., 29 Claytin Hills Lane, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals and liquefied gases*, in bulk, in tank vehicles, from the plantsite of Northern Petro-Chemical Co., in Grundy County, IL to points in the United States (except AL and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant request it be held at Chicago, IL.

No. MC 115841 (Sub-No. 604), filed February 10, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except in bulk), from the facilities of E. Kahn Sons Packing Co. a division of Consolidated Foods at or near Cincinnati, OH to points in Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Cincinnati, OH or Washington, DC.

No. MC 116254 (Sub-No. 198F), filed February 7, 1978. Applicant: CHEMHAULERS, INC., P.O. Box 339, 118 Mobile Plaza, Florence, AL 35630. Applicant's representative: Randy C. Luffman, P.O. Box 339, 118 Mobile Plaza, Florence, AL 35630. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, and (2) *Caustic Soda*, in bulk, in tank vehicles, (1) from the plantsite of Olin Corp., located in Washington Cunty, AL, to points in AL, LA, MS, Kingsport, TN, and Foley, FL, (2) from Olin Corp., located in Washington County, AL, to points in AR, FL, GA and TN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, AL, or Washington, DC.

No. MC 116947 (Sub-No. 54F), filed February 2, 1978. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Breadmaking ingredients, cooking oil, and flour* in containers from the facilities of Anderson Sales Co., Inc. located at or near Atlanta, GA to points in LA, TX, NC, SC, VA, KS, MO and TN, under a continuing contract or contracts with Anderson Sales Co., Inc.

NOTE.—Applicant holds common carrier authority in MC 117956 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, GA.

No. MC 117119 (Sub-No. 670F), filed February 6, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: M. M. Geffon, P.O. Box 338, Willingboro, NJ 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Animal feed supplements* (except in bulk) from Cockeysville and Baltimore, MD to Fayetteville, Batesville, Dardanelle, and Mountain Home, AR.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, PA or Washington, DC.

No. MC 117119 (Sub-No. 674F), filed February 9, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: M. M. Geffon, P.O. Box 338, Willingboro, NJ 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Chemicals and chemical products* (except in bulk), in vehicles equipped with mechanical refrigeration, from

Nitro and South Charleston, WV to points in CA, OK, OR, TX, and WA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, NY, Philadelphia, PA, or Washington, DC.

No. MC 119641 (Sub-No. 147F), filed February 9, 1978. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Pipe, pipe fittings, castings, valve and water boxes, and accessories*, from Holt, AL, to points in IL, IN, IA, KY, MI, MN, MO, NE, ND, OH, SD and WI. Restriction: Restricted to shipments originating at the plantsite and warehouse facilities of the Central Foundry Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Birmingham, AL or Chicago, IL.

No. MC 119777 (Sub-No. 342F), filed February 10, 1978. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY, 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Lead* and *lead alloys* (except commodities which, because of size or weight, require the use of special equipment), from Herculaneum, MO, to points in the United States (except AK and HI), and (b) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacturer and distribution of *lead and lead alloys*, from points in the United States (except AK and HI) to Herculaneum, MO.

NOTE.—Common control and dual operations may be involved. Applicant holds contract carrier authority in MC-126970 Subs 1 and 3. Applicant requests hearing at St. Louis, MO.

No. MC 119789 (Sub-No. 421F), filed February 2, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: Lewis Coffey, P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, particleboard*, and *lumber products* from the facilities of Navajo Forest Products Industries, in McKinley County, NM to points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, NC, OH, OK, SC, TN, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Gallup, NM.

No. MC 119789 Sub-No. 426F), filed February 3, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat 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 Pepper Packing Co. and Pepper Tree Packing Co., Denver, CO, to Arrow Meat Packing Co., Atlanta, GA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held in Atlanta, GA.

No. MC 119988 (Sub-No. 132F), filed February 6, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., Hwy 103 East, P.O. Box 1384, Lufkin, TX 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food stuffs*, from the facilities utilized by Hudson Foods, Inc., at or near Troy, AL, to points in the United States in and west of AL, TN, KY, OH, and MI (except AL and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, AL, or Atlanta, GA.

No. MC 119988 (Sub-No. 133F), filed February 6, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., Hwy 103 East, P.O. Box 1384, Lufkin, TX 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionary*, from Lufkin, TX, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) *Machinery, equipment, materials and supplies*, used in the manufacture and distribution of (1) from points in the United States (except AK and HI), to Lufkin, TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, TX, or Houston, TX.

No. MC 123407 (Sub-No. 437F), filed February 6, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and wood products* from points in Pennington and Custer Counties, SD, to points in the United States (except from points in Custer County, SD, to points in AK, HI, OK, and TX) and (except from points in Pennington County, SD, to points in AK, HI, KS, OK, TX, MO, IA, MN, WI, IL, IN, MI, and OH).

NOTE.—Common control may be involved. Hearing site requested: Rapid City, SD, or Chicago, IL.

No. MC 123407 (Sub-No. 438F), filed February 6, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, agricultural implements, pumps, and parts thereof* from Fargo, ND, to points in the United States (except AK & HI); and (2) *materials and supplies used in the manufacture of tractors, agricultural implements, and pumps* from points in the United States (except AK & HI) to Fargo, ND.

NOTE.—Common control may be involved. Hearing site requested: Fargo, ND.

No. MC 123407 (Sub-No. 439F), filed February 6, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation* from Wichita Falls, TX, to points in the United States (except AK, HI, and TX); and (2) *materials and supplies* (except commodities in bulk) *used in the manufacture of insulation* from points in the United States (except AK, HI, and TX) to Wichita Falls, TX.

NOTE.—Common control may be involved. Hearing site requested: Dallas, TX.

No. MC 123778 (Sub-No. 36F), filed February 8, 1978. Applicant: JALT CORP. d.b.a. UNITED NEWSPAPER DELIVERY SERVICE, P.O. Box 398, Woodbridge, NJ 07095. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine parts, sections and inserts, newspaper supplements, catalogs, and advertising matters*, from Edison, NJ and Newark International Airport, Newark, NJ and LaGuardia Airport and John F. Kennedy International Airport, New York, NY, to points in CT, NJ, points in that part of NY on and east of NY Hwy 14, points in that part of MD and PA on and east of US Hwy 15, Wilmington, DE, and Washington, DC under a con-

tinuing contract or contracts with Dayton Press, Inc. located at Dayton, OH.

NOTE.—If hearing is deemed necessary, applicant requests it be held at New York, NY.

No. MC 123987 (Sub-No. 8F), filed February 8, 1978. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangum, OK 73554. Applicant's representative: John C. Sims, P.O. Box 2976, Lubbock, TX 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforced throat spikes;* (2) *materials and supplies used in the manufacture and distribution of the commodity described in (1) above;* (a) from the plantsite of Southwestern Rail Products, Inc., at or near Wellington, TX, to points in AR, TX, WY, SC, AL, MS, GA, MO, IL, OH, MI, OR, CA, AZ, NM, CO, UT, NV, LA, KS, TN and OK. (b) From points in AL, TX, CO and AR to the plantsite of Southwestern Rail Products, Inc., at or near Wellington, TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, TX.

No. MC 124212 (Sub-No. 98F), filed February 8, 1978. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl road, P.O. Box 30248, Cleveland, OH 44130. Applicant's representative: J. A. KUNDTZ, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk, between points in CT, restricted to traffic originating at the plantsites of Alpha Portland Cement Co., and restricted to shipments having an immediately prior movement by rail.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, DC.

No. MC 124554 (Sub-No. 19F), filed February 9, 1978. Applicant: LANG CARTAGE CORP., P.O. Box 513, Milwaukee, WI 53201. Applicant's representative: Richard C. Alexander, Suite 412, Empire Building, 710 North Plankinton, Milwaukee, WI 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies* used or distributed by a manufacturer of household products, from LaCrosse, WI, to points in WI, and Dakota, Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Steele, Waseca, Wabasha and Winona Counties, MN, under a continuing contract or contracts, with Fuller Brush Company, located at Great Bend, KS.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 124947 (Sub-No. 94F), filed February 9, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel forms for concrete construction and parts and accessories therefor*, (except in bulk), and (2) *Steel forms for concrete construction and parts and accessories therefor, and equipment, material and supplies used in the manufacture of (1) above*, (except in bulk), (1) from the plantsite and facilities of Economy Forms Corp. located at Des Moines, IA to points in the United States (excluding AK and HI), (2) from points in the United States (excluding AK and HI) to the plantsite and facilities of Economy Forms Corp. located at Des Moines, IA.

NOTE.—Common control may be involved. (Hearing: Salt Lake City, UT.)

No. MC 125433 (Sub-No. 149F), filed February 6, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace air heaters and ventilators combined, iron, parts and accessories for fireplace air heaters and ventilators* (except in bulk) from Fullerton, CA to points in the United States in and west of MN, IA, MO, AR, and LA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, CA.

No. MC 125777 (Sub-No. 210F), filed February 9, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilzer*, dry, in bulk, from the plant site of Agrico Chemical Co. located at or near Melbourne, KY, to points in IL, IN, KY, MI, OH, VA and WV, restricted to traffic originating at the above-mentioned plant site; and (2) *Feed and feed ingredients*, in dump vehicles, (a) between points in OH on the one hand and, on the other, points in IL, IN and MI, and (b) between points in IN and IL on the one hand and, on the other, MI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 127840 (Sub-No. 60F), filed February 6, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint materials and resins*, in bulk, in tank vehicles, from the facilities of the Coatings & Resins Division, SCM Corporation, located in the Chicago, IL commercial zone, to points in NE, KS, MN, IA, MO, IN, OH, MI, WI, GA, and PA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 133189 (Sub-No. 12F), filed February 9, 1978. Applicant: VANT TRANSFER, INC., 5075 Northeast Mulcare Drive, Minneapolis, MN 55421. Applicant's representative: John B. Van de North, Jr., Attorney at Law, 2200 First National Bank Building, Saint Paul, MN 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and insulating materials* from the plantsites and warehouse facilities of G.A.F. Corporation located in the Minneapolis-Saint Paul, MN commercial zone to points in WI and the Upper Peninsula of MI; and (2) *Materials, equipment and supplies* used in the manufacture and distribution of roofing and insulating materials (a) from points in WI and the Upper Peninsula of MI to the plantsites and warehouse facilities of G.A.F. Corporation located in the Minneapolis-Saint Paul, MN commercial zone; and (b) between the plantsites and warehouse facilities of G.A.F. Corporation located at Kansas City and St. Louis, MO and Joliet, IL on the one hand and, on the other, in the Minneapolis-Saint Paul, MN commercial zone. Restriction: Restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, MN.

No. MC 134755 (Sub-No. 131F), filed February 9, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and nonedible food products* (except in bulk), from the facilities of Terminal Ice and Cold Storage Company at Bettendorf, IA, to points in ND, SD, NE, CO, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, MI, IN, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, OH, PA, NY, VT, ME, NH, MA, RI, CT, NJ, DE, MD, Washington, DC.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138398 Sub-2, and other subs thereunder, therefore dual

operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, MO or Chicago, IL.

No. MC 135728 (Sub-No. 2), Filed January 6, 1978. Applicant: RICHARD J. FRANKS, 59 Maple Street, Alliston, ON, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *rough and dressed lumber*, and (2) *composition board*, between ports of entry along the United States-Canada Boundary line in ME, NH, VT, NY, MI and MN on the one hand and on the other, points in and east of ND, SD, IA, MO, AR and La, restricted to the transportation of traffic originating at or destined to points in Canada.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, NY.

No. MC 135874 (Sub-No. 99F), February 9, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 East 5th Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice and Cold Storage Company at or near Bettendorf, IA, to points in ND, CO, MI, IN, OH, KY, WV, VA, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT, ME and DC, and, (2) *Foodstuffs and materials*, equipment and supplies used in the processing and packaging of foofstuffs (except commodities in bulk) in vehicles equipped with mechanical refrigeration from points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, WV, KY, OH, MI, IN, WA, OR, CA, ID, ND, SD, NE, OK, MN and IL, to the facilities of Terminal Ice and Cold Storage Company at or near Bettendorf, IA. Restricted in Part (1) to traffic originating at the facilities of Terminal Ice and Cold Storage Comapny at or near Bettendorf, IA and destined to points in the named States. Restricted in Part (2) to traffic originating in the named States and destined to the facilities of Terminal Ice and Cold Storage Company at or near Bettendorf, IA. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 136008 (Sub-No. 92F), filed February 10, 1978. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., Ardmore, OK 73401. Applicant's representative: John Tipsword, (same address as applicant). Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: *Quicklime, Hydrated Lime, and Ground Limestone* from Sallisaw and Marble City, OK, to points in Ashley, Columbia, Conway, Garland, Jefferson, Little River, Pulaski, and Union Counties, AR; Barton, Butler, Cowley, Ellis, Ford, Graham, McPhearson, Russell, Sedgwick, and summer Counties, Kansas; Caddo, Jackson, and Webster Parishes, LA; Denver, CO and its commercial zone; and Marion County, IN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Oklahoma City, OK or Tulsa, OK.

No. MC 136818 (Sub-No. 22F), filed February 9, 1978. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood, P.O. Box 3902, Phoenix, AZ 85030. Applicant's representative Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, AZ 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from Albuquerque, NM to points in AZ and CO.

NOTE.—Applicant holds motor contract carrier authority in No. MC 136897 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, AZ or Albuquerque, NM.

No. MC 136818 (Sub-No. 23F), filed February 9, 1978. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood, P.O. Box 3902, Phoenix, AZ 85030. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, AZ 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition and prepared roofing* (except in buld), from points in Kern County, CA to points in AZ.

NOTE.—Applicant holds motor contract carrier authority in No. MC 136897 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, AZ.

No. MC 138026 (Sub-No. 16F), filed February 6, 1978. Applicant: LOGISTICS EXPRESS, INC., Etiwanda and Slover Avenues, Fontana, CA 92335. Applicant's representative: David P. Christianson, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Carbon dioxide* between points in AL, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MS, MO, MT, NV, NJ, NM, NC, OK, OH, OR, PA, SC, TN, TX, UT, VA, WA, WV, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 138875 (Sub-No. 75F), filed February 6, 1978. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions, glass; window and window accessories; screenings and sash; and vinyl*, (except in bulk, in tank vehicles), from points in CA to the plantsite of Hehr International Inc. located at or near Nampa, ID.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, CA.

No. MC 139457 (Sub-No. 4F), filed February 6, 1978. Applicant: G. L. SKIDMORE, d.b.a. JELLY SKIDMORE TRUCKING CO., P.O. Box 38, Paris, TX 75460. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, and (2) *canned and packaged animal food*, from the facilities of Campbell Soup (TX) Inc., at or near Paris, TX, to points in NM, under a continuing contract, or contracts, with Campbell Soup (TX) Inc., at Paris, TX

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, TX or Washington, DC.

No. MC 139495 (Sub-No. 314F), filed February 7, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical care products, and materials, equipment, and supplies used in the manufacture of medical care products* from Odgen, UT and Chattanooga, TN to points in Johnson County, NC.

NOTE.—If a hearing is seemed necessary, applicant requests that it be held at Washington, DC.

No. MC-139615 (Sub-No. 11F), filed February 8, 1978. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, IA 52577. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements, and equipment;* (2) *industrial and construction machinery and equipment;* (3) *irrigation equipment;* (4) *drainage systems;* (5) *stump cutters, log splitters, and log chippers;* (6) *tree spades;* and (7) *parts, attachments, and accessories* for the commodities in (1) through (6) above.

(1) From Pella, IA, to points in WA, ID, UT, NV, AZ, NM, AR, MI, AL, GA, FL, SC, NC, VT, NH, ME, MA, CT, RI, DE, DC, TN, and KY, and
(2) From all points in the United States (except AL and HI) to Pella, IA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Des Moines, IA or Omaha, NE.

No. MC 140755 (Sub-No. 49F), filed February 6, 1978. Applicant: BRAY TRANSPORTS, INC., 1401 N. Little Street, (P.O. Box 270), Cushing, OK 74023. Applicant's representative: Charles D. Midkiff, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from St. Louis, MO, to points in AR, CO, IA, KS, LA, NE, MN, MS, OK, TN, and TX.

NOTE.—Common Control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, MO or Chicago, IL.

No. MC-141008 (Sub-No. 1F), filed February 2, 1978. Applicant: AIR TRANSPORT, INC., 220 West Second St., Boston, MA 02127. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184. Peabody, MA 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen crushed bones, frozen beef trimmings*, and *frozen defatted chopped beef* (except commodities in bulk, in tank vehicles) (1) From Marlboro, MA., to points in the United States in and east of MI, IN, KY, TN and MS, and (2) From Marlboro, MA., to Omaha, NE., and Paris TX, under a continuing contract, or contracts, with Stop & Shop Companies, INC.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, MA.

No. MC 141124 (Sub-No. 15F), filed February 8, 1978. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, DE 19899. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* from the plantsites and facilities of Champion International Corp. located at or near Canton, Waynesville, Asheville, and Fletcher, NC to points in CO, ME, MA, NH, NJ, NY, PA, RI, and VT; and (2) *commodities used or useful in the manufacture of paper and paper products*, (except commodities in bulk), from the states enumerated in (1) above to the plantsites and facilities of Champion International Corp. located at or near Canton, Waynesville, Asheville, and Fletcher, NC.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, OH or Washington, DC.

No. MC 141776 (Sub-No. 21), filed January 6, 1978. Applicant: FOODTRAIN, INC., Spring & South Center Streets, Ringtown, PA 17967. Applicant's representative: Pauline E. Myers, Suite 407 Walker Building, 734 15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and storage facilities of North Side Packing Co., Inc. at Pittsburgh, PA to points in CT, DE, DC, IL, ME, MD, MA, MI, MN, NH, NJ, NY, OH, RI, VT, VA, WV, WI, and PA (East of Hwy I-81 and Hwy I-83).

NOTE.—If a hearing is deemed necessary, applicant request it be held at either Pittsburgh, PA, or Washington, DC.

No. MC 143103 (Sub-No. 2), filed December 28, 1977. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery*, and (2) *Raw materials, ingredients and supplies* used in the manufacture and packaging of candy and confectionery between points in the United States (except AK and HI). Restrictions: Service in (1) and (2) above to be performed in vehicles equipped with mechanical refrigeration and further restricted in (a) against transportation of commodities in bulk (b) to traffic originating at or destined to plantsites and/or storage facilities utilized by M & M/Mars Division of Mars, Inc., and (c) to service under a continuing contract or contracts with M & M/Mars Division of Mars, Inc.

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Chicago, IL, Dallas, TX, or Oklahoma City, OK.

No. MC 143207 (Sub-No. 1), filed December 16, 1977. Applicant: COLUMBIA-PACIFIC TRANSPORT CO., a Corporation, P.O. Box 6407, Kennewick, WA 99336. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy crawlers and heavy lift rigging and materials and supplies used in the construction of such commodities*, between construction sites located at points in ND, SD, MA, WY, UT, ID, CO, CA, OR, and WA, under a continuing contract or contracts with Neil F. Lampson, Inc. Restriction: The traffic is restricted against the transportation of Mercer Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 MCC 459.

NOTE.—Applicant holds common carrier authority in No. MC 121607 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Kennewick, Pasco, Richland, or Spokane, WA.

No. MC 143691 (Sub-No. 7F), filed February 3, 1978. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30302. Applicant's representative: John Guandolo, 1000 Sixteenth Street NW., Washington, DC 20036. Authority sought as a *contract carrier*, over irregular routes, transporting: *Commercial papers, documents, written instruments* (except coins, currency and negotiable securities), *audit, accounting, data processing and computer media, business records, microfilm, microfiche, microforms and related items as are used in the business of banks or banking institutions* under a continuing contract or contracts with banks, banking institutions or data processing centers between Memphis, TN, on the one hand, and, on the other, points in AR and MS.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Memphis, TN. Common control may be involved. Applicant seeks common carrier authority in No. MC 142330 (Sub-Nos. 5, 9); therefore dual operations may be involved.

No. MC 143853 (Sub-No. 2F), filed February 9, 1978. Applicant: SME EXPRESS, INC., P.O. Box 571, Upland, IN 46989. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *printed matter* from Corinth, MS and Dresden, TN, to points in CT, DE, MD, MA, NJ, NY, PA, VA, and DC, under contract with W. F. Hall Printing Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, IL, or Washington, DC.

No. MC 143854 (Sub-No. 1F), filed February 6, 1978. Applicant: PIKE TRANSIT, INC., Rural Route No. 3, Pittsfield, IL 62363. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Dry feed*, from Pittsfield, IL to points in IN, IA and MO, and (b) *dry feed ingredients*, from points in AR, IA, KS, MO, MN, MS, NE, OH, SD, TN and WI to Pittsfield, IL, under a continuing contract or contracts with Webel

Feeds, Inc., located at Pittsfield, IL. (Hearing site: St. Louis, MO, Springfield, IL.)

No. MC 143872 (Sub-No. 1), filed February 1, 1978. Applicant: GARY R. COWAND ENTERPRISES, INC., d.b.a. AIRPORT PICK-UP AND DELIVERY SERVICE, Norfolk International Airport, Norfolk, VA 23518. Applicant's representative: Michael A. Inman, Suite 211, Pembroke Four, Pembroke Office Park, Virginia Beach, VA 23462. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having an immediately prior or immediately subsequent movement by air (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Norfolk, VA and Chesapeake, VA on the one hand and, on the other, the cities of Suffolk and Franklin, VA, and points in Surry, Isle of Wight, Sussex and Southampton Counties, VA and points in Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Herford, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, NC.

NOTE.—If a hearing is deemed necessary applicant quests it be held at Norfolk, VA.

No. MC 143982 (Sub-No. 1F), filed February 6, 1978. Applicant: DONALD SCHIRR, Rural Route No. 2, Iuka, IL 62849. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated expended plastics and expanded plastics*, (1) between Fenton, MI and Salem, IL, (2) between Fenton, MI on the one hand and, on the other, Newark, DE; Chicago, IL; Mishawaka and Elkhart, IN; Baltimore, MD; St. Louis and Fenton, MO; Tupelo, MS; Patterson, NC; Piscataway, NJ; Dayton, Lima, Hanging Rock and Coshocton, OH, and, (3) between Salem, IL on the one hand, and, on the other, Newark, DE; Mishawaka and Elkhart, IN; Baltimore, MD; Drayton Plains, Detroit, Flint, Grand Blanc, and Grand Rapids, MI; St. Louis and Fenton, MO; Tupelo, MS; Patterson, NC; Piscataway, NJ; Dayton, Lima, Hanging Rock and Coshocton, OH, under a continuing contract or contracts with Creative Foam Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, MO or Springfield, IL.

No. MC 144103 (Sub-No. 3F), filed: February 6, 1978. Applicant: LAWRENCE EVERS, P.O. Box 176, Darby, MT 59829. Applicant's representative: William E. O'Leary, 631 Helena Avenue, Helena, MT 59601. Authoirty sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *malt beverages in bottles, cans and kegs and empty and pallets* on return for Coors of Missoula, Inc. From Cold Springs Brewing Company facilities, located in or near Cold Springs, MN, to points in MT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Missoula or Helena, MT.

No. MC 144159 (Sub-No. 1F), filed: February 6, 1978. Applicant: Thomas J. Bennington, d.b.a BENNINGTON'S PLANT SERVICE, P.O. Box 121, Pascaquoula, MS 39567. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authoirty sought to operate as a *contract carrier*, over irregular routes, transporting: *machinery, equipment, materials and supplies*, used in replacing, servicing and repair of machinery and equipment, used in or in connection with the development and production of natural gas and petroleum and their products and by products. Between the facilities of Chevron U.S.A., Inc. at Pascagoula, MS, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract or contracts with Chevron U.S.A., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, MS, Pascagoula, MS or Washington, DC.

No. MC 143225 (Sub-No. No. 1), filed: January 12, 1978. Applicant: LOUISIANA MIDLAND RAILWAY, P.O. Box 110, Jena, LA 71342. Applicant's representative: Craig E. Burroughs, P.O. Box 110, Jena, LA 71342 Authoirty sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities*, (without exceptions), restricted to traffic which is auxiliary or supplemental to rail service, between Packton, Zion, Georgetown, Zenoria, Hester, Little Creek, Searcy, Trout, Good Pine, Midway, Jena, Glade, Rhinehart, Archie, Utility, Jonesville, Wildsville, Frogmore, Ferriday, Concodia Junction and Vidalia, LA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, LA., or Washington, DC.

No. MC-144288 F, filed February, 7, 1978. Applicant: EVANS RELIABLE MESSENGER, INC., 453 Glenbrook Road, Stamford, CT 06906. Applicant's representative: Robert A. Martinik, Jr., Esq., 322 Main Street, Stamford, CT 06901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *small packages, letters and parcels*, in automobiles between points in CT, NY, NJ, MA, RI and PA.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held in either New Haven, CT, or Hartford, CT.

No. MC-144303, filed February 1, 1978. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 778, Fletcher, NC 28732. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical equipment, devices*, and *products*, (2) parts of the commodities in (1), and (3) commodities used by and dealt in by manufacturers of the commodities in (1) (except any commodities in bulk, commodities which because of size or weight require special equipment, and aerospace craft and aerospace craft parts), between the facilities of General Electric Co, at or near East Flat Rock, NC, on the one hand, and, on the other, points in the United States on and east of the MS River and all other points in MN, under a continuing contract or contracts with General Electric Co.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, Applicant requests that it be held in Washington, DC.

No. MC 143441 (Sub-No. 3F), filed: February 6, 1978. Applicant: AARDEMA CARTAGE, INC., P.O. Box 576, Midlothian, IL 60445. Applicant's representative: Philip A. Lee, 120 W. Madison, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *scrap splits* (a material between hides and leather) from Chicago, IL, to Milwaukee, WI; *splits* (a material between hides and leather) from Fond du Lac, Milwaukee, Sheboygan, WI, and Red Wing, MN, to Chicago, IL.

NOTE.—Applicant holds contract carrier authority in MC-141043 (Sub 2), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC-143364 (Sub-No. 1F), filed February 6, 1978. Applicant: ASSOCIATED CAB COMPANY, INC., d/b/a GRAY LINE OF ATLANTA, 303 Walker Street, Atlanta, GA 30313. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, to transport *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, from points in Fulton, Dekalb, Gwinnett, Clayton and Cobb Counties, GA to points in the United States, (except Hawaii), and return.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

By the Commission.

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

[FR Doc. 78-6726 Filed 3-15-78; 8:45 am]

[7035-01]

[Volume No. 72]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATIONS, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 49117 (M1) (notice of filing of petition to delete restriction), filed January 30, 1978. Petitioner: KENT FREIGHT LINES, INC., 304 Stockhams Lane, Aberdeen, MD 21001. Petitioner's representative: William B. Dulany, 123 East Main Street, Westminster, MD 21157. Petitioner holds a motor *common carrier* certificate in No. MC 49117 issued October 8, 1975, authorizing transportation, over regular routes, as pertinent, of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Elkton, MD, and Wye Mills, MD, serving all intermediate points: From Elkton over U.S. Hwy 213 to Wye Mills, and return over the same route; (2) Between Galena, MD, and Federalsburg, MD, serving all intermediae points: From Galena over MD Hwy 313 to Federalsburg, and return over the same route; (3) Between junction MD Hwys 313 and 16 south of Denton, MD, and Federalsburg, MD, serving all intermediate points: From junction MD Hwys 313 and 16 over MD Hwy 16 to Preston, then over MD Hwy 318 to Federalsburg, and return over the same route: (4) Between Denton, MD, and Baltimore, MD, serving all intermediate points: From Denton over MD Hwy 404 to junction U.S. Hwy 50 near Wye Mills, MD, then over U.S. Hwy 50 to junction MD Hwy 2 near Arnold, MD, then over MD Hwy 2 to Baltimore, and return over the same route; Restriction: The operations authorized under route (4) above are restricted to transportation of traffic moving by carrier to or from points in MD east of Chesapeake Bay and south of the Chesapeake-Delaware Canal.

(5) Between Washington, DC and Stevensville (Kent Island), MD, serving all intermediate points: From Washington over U.S. Hwy 50 to Stevensville, and return over the same route; Restriction: The operations authorized in (5) above are restricted to transportation of traffic moving by the carrier to or from points in MD east of Chesapeake Bay and south of the Chesapeake-Delaware Canal, and restricted against joinder to the authority contained in route (4) above (except at Stevensville). (6) Between Chestertown, MD, and Rock Hall, MD, serving all intermediate points: From Chestertown over MD Hwy 20 to Rock Hall, and return over the same route; (7) Between junction U.S. Hwys 50 and 301 near Queenstown, MD, and junction U.S. Hwys 301 and 213 near Centerville, MD, serving all intermediate points: From junction U.S. Hwys 50 and 301 over U.S. Hwy 301 to junction U.S. Hwy 213, and return over the same route; (8) Between junction MD Hwys 312 and 313 at or near Baltimore Corners, MD, and junction MD Hwys 312 and 404 at or near Downes, MD, serving all intermediate points: From junction MD Hwys 312 and 313 over MD Hwy 312 to junction MD Hwy 404, and return over the same route; (9) In connection with operations over all routes set forth above, except route (5), service is authorized at all offroute points in Cecil, Kent, Queen Annes, Caroline, and Talbot Counties, MD, and at those in Dorchester County, MD, which are 75 miles of Aberdeen, MD. (10) In connection with operations over routes (4) and (5) above, service is authorized at offroute points in Anne Arundel and Prince Georges Counties, MD, restricted to transportation of traffic moving by the carrier to or from points in MD east of Chesapeake-Delaware Canal. By the instant petition, petitioner seeks to modify the above authority by deleting the restriction which reads: "restricted to transportation of traffic moving by the carrier to or from points in MD east of Chesapeake Bay and south of the Chesapeake-Delaware Canal."

No. MC 109324 (Sub-No. 30) (M1), (notice of filing of petition to delete restriction), filed January 24, 1978. Petitioner: GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, AR 72601. Petitioner's representative: Jay C. Miner, (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 109324 (Sub-No. 30) issued October 14, 1975, authorizing transportation, over regular routes, as pertinent, of: *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Kansas City, KS, and Joplin, MO, serving the intermediate points of junction U.S. Hwy 71 and MO Hwy 150, junction U.S. Hwy 71 and MO Hwy 7, and junction U.S. Hwys 71 and 54, for purposes of joinder only, the intermediate point of Carthage, MO, and the off-route points of Webb City, Carl Junction, and Carterville, MO: From Kansas City, KS, over city streets to Kansas City, MO, then over U.S. Hwy 71 to Joplin, and return over the same route; (2) between junction U.S. Hwys 71 and 54, and Springfield, MO, serving junction U.S. Hwys 71 and 54 for purposes of joinder only, and the intermediate point of junction MO Hwys 13 and 32 for purposes of joinder only, and the intermediate point of Stockton, MO, and the off-route point of El Dorado Springs, MO: From junction U.S. Hwys 71 and 54 over U.S. Hwy 54 to junction MO Hwy 32, then over MO Hwy 32 to junction MO Hwy 13, and then over MO Hwy 13 to Springfield, and return over the same route; (3) between junction U.S. Hwy 71 and MO Hwy 150, and Joplin, MO, serving no intermediate points, and serving junction U.S. Hwy 71 and MO Hwy 150 for purposes of joinder only: From junction U.S. Hwy 71 and MO Hwy 150 over MO Hwy 150 to the MO-KS State line, then over KS Hwy 150 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction KS Hwy 96, then over KS Hwy 96 to the KS-MO State line, then over MO Hwy 96 to junction MO Hwy 171, then over MO Hwy 171 to junction MO Hwy 43, then over MO Hwy 43 to Joplin, and return over the same route; (4) between junction U.S. Hwy 71 and MO Hwy 7, and junction MO Hwys 13 and 32, serving no intermediate points, and serving junction U.S. Hwy 71 and MO Hwy 7 and junction MO Hwys 13 and 32 for purposes of joinder only: From junction U.S. Hwy 71 and MO Hwy 7 over MO Hwy 7 to junction MO Hwy 13, and then over MO Hwy 13 to junction MO Hwy

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, DC 20423.

32, and return over the same route; (5) between Joplin, MO, and Springfield, MO, serving no intermediate points: From Joplin, over U.S. Hwy 66, to Springfield, and return over the same route; Restriction: The service authorized in (B) above is subject to the following conditions: (i) The operations authorized in (B) above are restricted to the transportation of shipments moving from, to, or through Kansas City, KS, (ii) service at Kansas City, KS, in (B) above, is limited to that part of Kansas City, KS, and its commercial zone, as defined by the Commission, which is located in Wyandotte County, KS, (iii) Service at Joplin, MO, in (B) above, is restricted to that part of Joplin, MO, and its commercial zone, as defined by the Commission, which is located in Cedar County, MO. (iv) The regular-route authority in (B) above shall not be severable by sale or otherwise from the underlying irregular-route authority granted in No. MC 109324 (Sub-No. 30). By the instant petition, petitioner seeks to modify the above authority by deleting restriction (i) which reads "The operations authorized in (B) above are restricted to the transportation of shipments moving from, to, or through Kansas City, KS.

No. MC 113678 (Sub-No. 443) (M1) (notice of filing of petition to delete plantsite and storage facilities references), filed January 24, 1978. Petitioner: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Petitioner's representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Petitioner holds a motor *common carrier* certificate in No. MC 113678 (Sub-No. 443) issued June 21, 1973, authorizing transportation, over irregular routes, of *Meats, meat products, and meat by-products* as described in section A of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Swift & Co. at Gering, NE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, AL, GA, FL, NC, SC, MS, TN, and DC, restricted to the transportation of shipments originating at the above-named plansite and destined to points in the above-named states. By the instant petition, petitioner seeks to modify the above authority by deleting references to the plantsite and storage facilities of Swift & Co.

No. MC 115311 (Sub-No. 134) (M1) (notice of filing of petition to modify commodity description), filed January 8, 1978. Petitioner: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Petitioner's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Petitioner holds a motor *common carrier* certificate in No. MC 115311 (Sub-No. 134) issued June 18, 1975, authorizing transportation, as pertinent, over irregular routes, of *Fiberglass insulation*, from Atlanta, GA, to points in FL, LA, MS, NC, SC, TN, KY, AL, and VA. Restriction: The operations authorized herein are restricted against the transportation of commodities in bulk, and further restricted against tacking. By the instant petition, petitioner seeks to modify the above authority by broadening the commodity description to read "Insulation".

No. MC 115654 (Sub-No. 19) (M1) (notice of filing of petition to delete restriction), filed January 30, 1978. Petitioner: TENNESSEE CARTAGE CO., a corporation, No. 1 Candy Lane, P.O. Box 23193, Nashville, TN 37202. Petitioner's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Petitioner holds a motor *common carrier* certificate in No. MC 115654 (Sub-No. 19) issued April 30, 1974, authorizing transportation, over irregular routes, as pertinent, of *Confectionery and confectionery products* (except in bulk), in vehicles equipped with mechanical refrigeration: (1) From Atlanta, GA, and Nashville, TN, to Cincinnati, OH, and points in TN and KY, and points in that part of AL on and north of U.S. Hwy 278; (2) from Cincinnati, OH, to points in TN and KY, and points in that part of AL on and north of U.S. Hwy 278; and (3) from Chattanooga, Knoxville, and Memphis, TN, and Louisville, KY, to points in TN and KY. Restriction: The authority granted herein is restricted against the transportation of traffic: (a) From Atlanta, GA, and points in the Atlanta commercial zone as defined by the Commission to Knoxville, TN, and points in the Knoxville commercial zone as defined by the Commission; (b) from these points in AR and MS which are within the Memphis, TN, commercial zone as defined by the Commission, and (c) from those points in IN which are within the Louisville, KY, commercial zone as defined by the Commission. By the instant petition, petitioner seeks to modify the above authority by deleting the restriction in (a) which reads restriction against the transportation of traffic "from Atlanta, GA, and points in the Atlanta commercial zone as defined by the Commission to Knoxville, TN, and points in the Knoxville commercial zone as defined by the Commission.

No. MC 117119 (Sub-No. 513) (M1) (notice of filing of petition to add an origin point), filed January 23, 1978. Petitioner: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Petitoner's representative: L. M. McLean (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 117119 (Sub-No. 513) issued June 6, 1975, authorizing transportation, over irregular routes, of: *Frozen foods and bakery goods*, in vehicles equipped with mechanical refrigeration, from Richmond, UT, to Omaha, NE, New Haven, CT, Dallas and Houston, TX, Chicago and Downers Grover, IL, Springdale, AR, Sumter, SC, Downingtown, PA, and Salisbury, MD, restricted to the transportation of traffic originating at and destined to the facilities of Pepperidge Farm, Inc., or Campbell Soup Co. located at the named points. By the instant petition, petitioner seeks to modify the above authority by adding the origin point of Logan, UT.

No. MC 139495 (Sub-No. 144) (M1) (notice of filing of petition to modify commodity and territorial description), filed January 31, 1978. Petitioner: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Petitioner's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Petitioner holds a motor *common carrier* certificate in No. MC 139495 (Sub-No. 144) issued September 23, 1977, authorizing transportation, as pertinent, over irregular routes, of: *Meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses* (except chemicals, vegetable oils, and vegetable oil products), as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (1) from the plantsite, warehouses and storage facilities of National Beef Packing Co., at or near Liberal, KS, to points in the United States (except AK, DE, HI, ID, MT, NV, ND, OR, SD, WA, WV, and WY); and (2) from the plantsite, warehouses and storage facilities of National Beef Packing Co., located at Kansas City, KS, to points in the United States (except AK, AZ, AR, CA, CO, DE, HI, ID, IA, KY, LA, MN, MS, MT, NV, NM, NC, ND, OR, SC, SD, TN, UT, WA, WV, and WY). By the instant petition, petitioner seeks to modify the above authority by adding *"Such materials, supplies, and equipment* (except commodities in bulk) as are used or dealt by meat packinghouses from points in the United States (except AK, DE, HI, ID, MT, NV, ND, OR, SD, WA, WV, and WY), to Liberal, KS."

No. MC 142429 (M1) (Notice of petition for permission to modify permit to add a shipper), filed January 13, 1978. Petitioner: HORACE G. STROUD, doing business as STROUD TRUCK SERVICE, 11030 Weaver Street, South El Monte, CA 91733. Petitioner's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los An-

geles, CA 90017. Petitioner holds a motor *contract carrier* permit in No. 142429, issued December 9, 1977, authorizing transportation over irregular routes, of: *Cheese*, in mechanically refrigerated equipment, from points in MN, WI, and Franklin and St. Lawrence Counties, NY, to points in CA, from points in WI to points in Cache County, UT. Restriction: The operations authorized are limited to a transportation service to be performed under a continuing contract, or contracts, with F. L. Bolzern Co., Inc., of Los Angeles, CA. By the instant petition, petitioner seeks to add Lake to Lake Dairy Cooperative of Kiel, WI, as a contracting shipper.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudicated by lack of notice of the authority granted. A copy of the pleading shall serve concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 121572 (Sub No. 2) (Republication) filed April 12, 1977, published in the FEDERAL REGISTER issue of April 21, 1977 as Kansas Docket No. 53, 225-M Route 4611, and republished this issue. Applicant: TRANS STATE BUS, INC., P.B. 1, Highway 156, Northeast Trail Street, Larned, KS 67550. Applicant's representative: Franklin Corrick, 3301 Van Buren Street, Topeka, KS 66611. An order of the Commission, Review Board No. 4, decided November 15, 1977, and served November 23, 1977, finds that applicant may conduct operations in interstate or foreigh commerce within limits which do not exceed the scope of the intrastate operations for which applicant holds Certificate of Convenience and Necessity Route No. 4611 embraced in order dated June 3, 1977, as corrected October 10, 1977, by the State Corporation Commission of KS, which authorizes operations as a *common carrier* by motor vehicle, solely within the State of KS in the transportation of *persons, their baggage, light express and newspapers*, from Dodge City, KS, southwest on U.S. Hwy 56 to its junction with KS Hwy 190 (Satanta); then northwest on KS Hwy 190 to its junction with U.S. Hwy 160; then west on Hwy 160 to its junction with U.S. Hwy 270 (Ulysses); then south on U.S. Hwy 270 to Hugoton; then east on U.S. Hwy 270 to its junction with U.S. Hwy 83; thence south on U.S. Hwy 83 and 270 to Liberal; thence west less than 1 mile to the Liberal airport; then return by reverse of same route to Dodge City. The proposed extension to also include charter rights from points along the authorized route.

NOTE.—The purpose of this republication is to reflect the applicant's actual grant of authority.

No. MC 128840 (Sub-No. 2) (Republication), filed June 15, 1977, published in the FEDERAL REGISTER issue of August 4, 1977, and republished this issue. Applicant: AERO TRUCKING CORP., P.O. Box 2062, Mt. Vernon, NY 10551. Applicant's representative: Arthur Piken, 1 Lefrak City Plaza, Flushing, NY 11368. An order of the Commission, review board No. 3, dated December 27, 1977, and served January 19, 1978, finds that the present and future public convenience and necessity require operation by applicant in interstate commerce as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *pottery and glassware*, from Newell, WV, and points in OH, to New York, NY; and (2) *returned shipments* of the commodities in (1) above, from New York, NY to Newell, WV, and points in OH; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of the republication is to change the original commodity description from glass to "glassware."

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by special rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 4405 (Sub-No. 574F), filed February 13, 1978. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, OK 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Cranes and bulk material handling systems*, and (2) *parts and accessories* for cranes and bulk material handling systems, between the plant sites and facilities of Paceco Division of Fruehauf Corp., in Harrison County, MS, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Gulfport, MS.

No. MC 26396 (Sub-No. 162) (correction), filed December 8, 1977, published in the FEDERAL REGISTER issue of February 9, 1978 and republished as corrected this issue.

Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Applicant's representative: Jacob P. Billig, Suite 300, 2033 K Street NW., Washington, DC. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the International Boundary Line between the United States and Canada located in MN and ND, to points in ND, SD, NE, CO, KS, MO, IA, MN, WI, IL, IN, MI, KY, AR, OH, OK, and TN.

NOTE.—The purpose of this republication is to show the correct territorial description. If a hearing is deemed necessary, applicant requests it be held at either Washington, DC or Billings, MT.

No. MC 36974 (Sub-No. 10), filed January 3, 1978. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, NJ 07080. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between carrier's terminal in South Plainfield, NJ, on the one hand, and, on the other, Philadelphia, PA.

NOTE.—Applicant states that it proposes to tack the requested authority with its existing authority in MC 36974 and subs 7 and 8 at South Plainfield, NJ, to provide a through service between Philadelphia, PA, on the one hand, and, on the other, points in Middlesex County, NJ east of NJ Hwy 18, Monmouth County, NJ, Point Pleasant and Newark, NJ, points in NJ within 15 miles of New Brunswick, NJ, New York, NY and points in Westchester, Nassau and Suffolk Counties, NY. If a hearing is deemed necessary, applicant requests it be held at Newark or New Brunswick, NJ.

No. MC 37830 (Sub-No. 13), filed January 17, 1978. Applicant: COHENNO, INC., 92 Evans Drive, Stoughton, MA 02072. Applicant's representative: John G. Feehan, One Canal Plaza, Portland, ME 04112. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* and *tools* between Boston, MA and Old Town and Bar Harbor, ME and points in that part of ME east of the ME-NH State line and west of the Atlantic Ocean and on or south of ME State Hwy 2 and ME State Hwy 1A.

NOTE.—Applicant presently holds authority to transport such commodities from Boston, MA to Portland, ME and points and places within 50 miles of Portland. If a hearing is deemed necessary, applicant requests it be held in Boston, MA.

No. MC 42011 (Sub-No. 36F), filed February 10, 1978. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, OK 74115. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling accessories, components, equipment, and parts*, and (2) *equipment, materials, and supplies* (except commodities in bulk) used in, or in connection with, the installation, manufacture, or distribution of the commodities named in (1) above, between points in Mayes County, OK, and Tulsa, OK, on the one hand, and, on the other, points in the United States, (except AK, FL, GA, HI, NC, and SC) restricted to shipments originating at or destined to the facilities of the Marley Cooling Tower Co., Mayes County, OK, or its vendors at Tulsa, OK. (Hearing site: Washington, DC.)

No. MC 47171 (Sub-No. 104F), filed February 10, 1978. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4259, Greenville, SC 29608. Applicant's representative: Harris G. Andrews, P.O. Box 4259, Greenville, SC 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar dyes; dye intermediates; chemicals; textile softeners; wallpaper pulp coloring; resins, coal tar or petroleum; compounds, water softening; and adhesives* (except in bulk) from Bayonne, Elizabeth, Paterson, and Union, NJ, to Dalton, GA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, DC. Common control may be involved.

No. MC 58166 (Sub-No. 16), filed January 3, 1978. Applicant: FRED T. GIBSON, d.b.a. GIBSON TRUCK LINES, Box 70, La Jara, CO 81140. Applicant's representative: Fred T. Gibson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Negotiable papers*, between La Jara, CO and Santa Fe, NM.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Alamosa, or Denver, CO.

No. MC 58324 (Sub-No. 4), filed January 11, 1978. Applicant: NEW YORK MID-HUDSON TRANS. CORP., 160 Jony Drive, Carlstadt, NJ 07072. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Books and materials, equipment and supplies* used in the manufacture and sale of books (except commodities in bulk) between the facilities of Grosset & Dunlap, Inc. located at or near Binghamton, NY, on the one hand, and, on the other, the terminal facilities of New York Mid-Hudson Trans. Corp. located at Carlstadt, NJ.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, NY or Newark, NJ.

No. MC 61231 (Sub-No. 118F), filed February 15, 1978. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solar energy heating and cooling systems, parts and accessories* used in connection with the operation of such systems, and *woodburning heating appliances*, and (2) *materials, supplies, and accessories* used in the manufacture, distribution, and operation of the commodities named in part (1) above, between the plantsite of Valmont Industries, Inc., at Valley, NE, on the one hand, and, on the other, points in AZ, AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TX, WI, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Omaha, NE.

No. MC 74321 (Sub-No. 142F), filed February 6, 1978. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, CO 80217. Applicant's representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Contractors' equipment, tools, materials and supplies*, between points in CA, ID, MN, MT, NV, ND, OR, SD, UT, WA, and WY.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Denver, CO, Seattle, WA, Minneapolis, MN, or San Francisco, CA.

No. MC 82492 (Sub-No. 170) (correction), filed November 23, 1977, published in the FEDERAL REGISTER issue of February 9, 1978, and republished this issue. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, frozen* (except commodites in bulk), from the

facilities of Green Giant Co., located at or near Belvidere, IL, to points in IN, KY, MI, OH, and Sharon, PA. Restriction: Restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—The purpose of this republication is to add the destination point of Sharon, PA. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL, or Washington, DC.

No. MC 82492 (Sub-No. 172) (correction), filed December 1, published in the FEDERAL REGISTER issue of February 2, 1978, and republished this issue. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastics and plastic products*, from points in Kalamazoo County, MI, to points in KS, MN, MO, and those points in IL on and south of Interstate Hwy 74.

NOTE.—The purpose of this republication is to indicate the addition of plastics and plastic products in the commodity description, and also to include those points in IL on and south of Interstate Hwy 74 in the territorial description.

No. MC 82492 (Sub-No. 173) (Correction) filed December 20, 1977, published in the FEDERAL REGISTER issue of February 2, 1978, and republished this issue. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003, Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by lawn and garden care centers* (except commodities in bulk), (1) from Vermillion, OH, to points in IL, IA, KS, MI, MN, MO, NE, ND, SD, and WI; and (2) from Columbus and Marysville, OH, to points in KS and MO.

NOTE.—The purpose of this republication is to indicate the correct commodity and territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 83539, (Sub-No. 478F), filed February 9, 1978. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Applicant's representative: Mr. Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, between Napa and Solano County, CA and points in the U.S. (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, CA., or Dallas, TX.

No. MC 8973 (Sub-No. 45) (Amendment) filed May 31, 1977, published in the FEDERAL REGISTER issue of July 21, 1977, and republished as amended this issue. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, materials, equipment and supplies* used in the manufacture and sale of plastic articles (except liquid commodities in bulk in tank vehicles) (1) between the facilities of Colorite-Gering Products, Division of Dart Industries at Ridgefield, NJ, on the one hand, and, on the other, points in the States of ND, SD, NE, KS, OK, TS, CA, AZ, NM, NE, UT, CO, WY, MT, ID, WA, OR (2) between the facilities of Colorite/Gering Products, Division of Dart Industries at Sparks, NV, on the one hand, and, on the other, points in the United States (except AL and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either New York, NY, or Washington, DC. The purpose of this requplication is to amend the application by indicating that applicant intends to tack the requested authority with its authority held in MC 8973 (Sub-No. 15) and others at Ridgefield, NJ, to provide a through service to points in the United States (except AK and HI).

No. MC 98478 (Sub-No. 8F), filed February 6, 1978. Applicant: ROBBINS TRUCK LINE, INC., 801 South 13th Street, Louisville, KY 40210. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); (1) Between Owensboro, KY and Louisville, KY via U.S. Hwy 231 to its junction with I-64; then via I-64 to Louisville, KY and return over the same route serving no intermediate points, as an alternate route for operating convenience only; (2) From the junction of I-64 and Indiana Hwy 135, via Indiana Hwy 135 to Bradenburg, KY and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (3) From the junction of I-64 and Indiana Hwy 37, via Indiana 37 to Hawesville, KY and return over the same route serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, DC. Common control may be involved.

No. MC 105566 (Sub-No. 156) (correction), filed January 23, 1978, published in the FEDERAL REGISTER issue of March 2, 1978, and republished, as corrected, this issue. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), from the facilities of Westinghouse Electric Corp. located in Adams, Allegheny, Beaver, Delaware, Mercer and Westmoreland Counties, PA, to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary Line between the United States and Canada (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, PA or Washington, DC. The purpose of this correction is to show the correct name of the facilities as Westinghouse Electric Corp. in lieu of Western Electric Corp.

No. MC 106194 (Sub-No. 33), filed December 23, 1977. Applicant: HORN TRANSPORTATION, INC., 1500 West 25th Street, P.O. Box 1808, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V of Descriptions in Motor Carrier Certificates, 61 MCC 276: From the plantsite of Nucor Steel Division of Nucor Corp. at or near Norfolk, NE, to points in AR, CO, KS, MO, OK, and TX, restricted to the transportation of traffic originating at the plantsite or warehouse facilities of Nucor Corp. located at or near Norfolk, NE, and destined to points in the above-named destination States (except for traffic moving in foreign commerce.)

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, NE, or Kansas City, MO.

No. MC 112304 (Sub-No. 134F), filed February 10, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street,

Cincinnati, OH 45223. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant seeks authority to operate as a *common carrier* by motor vehicle over irregular routes in the transportation of: *Buildings, building panels, building parts, and materials, accessories and supplies* used in the installation, erection and construction of buildings, building panels, and building parts (except commodities in bulk), from the facilities of Butler Manufacturing Co. at or near Annville, Lebanon County, PA; to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TX, UT, WA, WI, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 112801 (Sub-No. 198F), filed February 10, 1978. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, IL 60521. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Frankfort, IN, to points in IL, OH and KY.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, IN, or Washington, DC.

No. MC 113678 (Sub-No. 719F), filed February 10, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, and *frozen foods*, from Colorado Springs, CO, to points in AL, CT, FL, GA, IA, KS, KY, LA, MS, MO, NE, NV, NM, NC, OH, OK, SC, TX, WV, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver or Colorado Springs, CO.

No. MC 113678 (Sub-No. 720F), filed February 13, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same as Applicant). Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except commodities in bulk, in tank vehicles), from Archbold, OH, to points in AR, LA, OK, and TX, restricted to traffic originating at the facilities of Beatrice Foods, Co., located at or near Archbold, OH, and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, OH or Detroit, MI.

No. MC 113855 (Sub-No. 405F), filed February 6, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Granite, marble, slate and stone, including precast stone*, from points in ID, MT and UT, to points in the United States, including AK, but excluding HI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, UT, or San Francisco, CA.

No. MC 117370 (Sub-No. 32F), filed February 13, 1978. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Sand*, in bags, from the facilities of Martin-Marietta Aggregates, located at or near Portage, WI, to points in MN.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, WI or Chicago, IL.

No. MC 118838 (Sub-No. 18F), filed February 9, 1978. Applicant: GABOR TRUCKING, INC., Rural Route 4, Detroit Lakes, MN 56501. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and wood products*, from the facilities of Potlatch Corporation located at or near Coeur D'Alene, St. Maries, Post Falls, Santa, Potlatch, Lewiston, Jaype, and Spalding, ID, to points in MN, WI, IA, IL, MI, IN, and OH. Restriction: Restricted to traffic originating at the named origins. (Hearing site: Boise, ID or Seattle, WA.)

No. MC 119176 (Sub-No. 19), filed January 9, 1978. Applicant: THE SQUAW TRANSIT CO., a corporation, P.O. Box 9368, Tulsa, OK 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; (2) *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and (3) *earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery, and equipment; (b) the completion of holes or wells drilled; (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities, between points in CO, NM, MO, MI, WY, UT, AR, MS, and MT, on the one hand, and on the other, points in PA and WV.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, OK, or Tulsa, OK.

No. MC 119641 (Sub-No. 148F), filed February 9, 1978. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and conduit, fittings, valves and accessories, and materials, equipment and supplies* used in the manufacture and distribution thereof (except commodities in bulk), Between Geneva County, AL, on the one hand, and, on the other, IL, IN, MI, MN, MO, OH, WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Birmingham, AL, or Chicago, IL.

No. MC 120937 (Sub-No. 5), filed January 30, 1978. Applicant: CITY DELIVERY, INC., 1315 East Gibson Lane, Phoenix, AZ 85036. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenex, AZ 85014. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, (except commodities in bulk), I. Between Phoenix, AZ and Grand Canyon, AZ, over the following routes, serving all intermediate points and the point of Bagdad, AZ as an off-route point: A. From Phoeniz over Interstate Hwy 17 to Flagstaff, AZ; then over U.S. Hwy 180 (also portions of AZ State Hwy 64) to Grand Canyon. B. From Phoenix over Interstate Hwy 17 to Flagstaff, AZ; then over Interstate Hwy 40 to the junction with AZ State Hwy 64; then over AZ State Hwy 64

(also portions of U.S. Hwy 180) to Grand Canyon. C. From Phoenix over Interstate Hwy 17 to Cordes Junction; then over AZ State Hwy 69 to Prescott, AZ; then over U.S. Hwy 89 to Ashfork, AZ; then over Interstate Hwy 40 to the junction with AZ State Hwy 64; then over AZ State Hwy 64 (also portions of U.S. Hwy 180) to Grand Canyon. D. From Phoenix over U.S. Hwy 60 (also portions of U.S. Hwy 89) to Wickenburg, AZ; then over U.S. Hwy 89 to Prescott, AZ; then over U.S. Hwy 89 to Ashfork, AZ; then over Interstate Hwy 40 to the junction with AZ State Hwy 64; then over AZ State Hwy 64 (also portions of U.S. Hwy 180) to Grand Canyon. E. From Phoenix over U.S. Hwy 60 (also portions of U.S. Hwy 89) to Wickenburg, AZ; then over U.S. Hwy 89 to the junction with AZ State Hwy 96; then over AZ State Hwy 96 to Hillside and Bagdad, AZ; and return over AZ State Hwy 96 on an unnamed highway to Prescott, AZ; then over U.S. Hwy 89 to the junction with Interstate Hwy 40; then over Interstate Hwy 40 to the junction with AZ State Hwy 64; then over AZ State Hwy 64 (also portions of U.S. Hwy 180) to Grand Canyon. II. Alternate route: Between Wickenburg, AZ and Bagdad, AZ as an alternate route for operating convenience only, serving no intermediate points: From Wickenburg over U.S. Hwy 93 to the junction with AZ State Hwy 97 to the junction with AZ State Hwy 96; then over AZ State Hwy 96 to Bagdad, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix or Flagstaff, AZ.

No. MC 120427 (Sub-No. 9), filed January 5, 1978. Applicant: WILLIAMS TRANSFER, INC., 2128 East Highway 30, Grand Island, NE 68801. Applicant's representative: John K. Walker, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grain storage, drying and handling equipment; aeration pipe and irrigation systems and iron, steel and aluminum articles;* and items used in the manufacturing of grain storage, drying and handling equipment and irrigation systems; K. D. Buildings (Iron or Steel), between Crawfordsville, IN, Webster City, IA and points in NE on the one hand and, on the other, points in the U.S. (excluding AK and HI).

NOTE.—If a hearing is deemed necessary applicant requests it be held at Lincoln of Omaha, NE.

No. MC 123744 (Sub-No. 34F), filed February 3, 1978. Applicant: BUTLER TRUCKING CO., a corporation, P.O. Box 88, Woodland, PA 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Refractories,* from the plantsite and facilities of A. P. Green Refractories Co. located at Goose Lake, Grundy County, IL, to points in PA, OH, KY, MI, DE, NJ, NY, MD, VA, WV and NC. Restricted to traffic originating at and destined to the above-named origin and destinations.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Washington, DC, or Harrisburg, PA.

No. MC 124078 (Sub-No. 781F), filed February 7, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Nickel oxide sinter and nickel granules,* in bulk, in tank vehicles, from the ports of entry located on the International Boundary Line between the United States and Canada located at points in MI and NY to Pittsburgh, Washington, and Houston, PA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, NY.

No. MC 125996 (Sub-No. 57F), filed February 21, 1978. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, 13080 Renfro Circle, Omaha, NE 68137. Applicant's representative: Floyd F. Knutson, P.O. Box 37491, 13080 Renfro Circle, Omaha, NE 68137. Authority sought to operate as a *common carrier,* over irregular routes, transporting: *Animal, bird, poultry, and fish feed supplements and/or ingredients:* From Los Angeles, CA, and its commercial zone as defined by the Commission, to points in the States of IL, IN, IA, KS, MN, MO, NE, ND, SD, and WI. Restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If an oral hearing is deemed necessary Applicant requests it be held in Los Angeles, CA, Omaha, NE, or Washington, DC.

No. MC 129086 (Sub-No. 27F), filed February 8, 1978. Applicant: SPENCER TRUCKING CORP., Route 2, P.O. Box 254A, Keyser, WV 26726. Applicant's representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Charcoal, wood chips, fireplace logs, lighter fluid, and barbeque base material* (except commodities in bulk), from the plantsite and facilities of The Kingsford Co., at or near Parsons and Ridgeley, WV, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VA, and VT, and (2) *returned, damaged, or rejected shipments of the commodities listed in (1) above, and pallets,* from points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VA, and VT to the plantsite and facilities of The Kingsford Co., at or near Parsons and Ridgeley, WV.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Louisville, KY, or Washington, DC.

No. MC 129631 (Sub-No. 60F), filed February 10, 1978. Applicant: PACK TRANSPORT, INC., 3975 South 300 West Street, Salt Lake City, UT 84107. Applicant's representative: G. Davidson (same address as applicant). Authority sought: *Fencing and fencing materials and commodities,* used in the manufacture of fencing and fencing materials; between points in Salt Lake County, UT, on the one hand, and, on the other, points in and west of MT, WY, CO, and NM (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 129701 (Sub-No. 3) (correction), filed: December 12, 1977, published in the FEDERAL REGISTER issue of February 24, 1978, are republished this issue. Applicant: JASPER FURNITURE FORWARDING INC., POB 146, Huntingburg, IN 47542. Applicant's representative: Orville Lynch, POB 364, Westfield, IN 46074. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *New furniture, crated, and parts, supplies, and materials* used in the manufacture of new furniture, between Fordsville, KY, and points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT VA, WV, WI, and DC. The purpose of this correction is to indicate that AR instead of AK should be included as a destination point.

No. MC 135170 (Sub-No. 25F), filed February 10, 1978. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Containers, container ends and accessories, and materials, equipment, and supplies used in the manufacture, sale, and distribution of containers and container ends and accessories* (except commodities in bulk and those which, because of size or weight, require the use of special equipment), between Fredericksburg. VA, on the one hand, and, on the other, points in SC, NC, MD, DE, PA, NJ, NY, WV, OH, and DC, under continuing contract or contracts with The Continental Group Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, DC.

No. MC 138026 (Sub-No. 15), filed January 30, 1978. Applicant: LOGISTICS EXPRESS, INC., Etiwanda and Slover Avenues, Fontana, CA 92335. Applicant's representative: David P. Christianson, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transporation of: *Argon*, between points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, KS, MI, MO, MT, NM, NY, NE, NV, ND, OH, OK, OR, PA, SD, TN, TX, UT, VT, WA, and WY. In nonradial movement.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 139495 (Sub-No. 316F), filed February 10, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, cosmetic, drug, industrial, and scientific chemicals, and related laboratory instruments and kits* (except commodities in bulk, in tank vehicles) between the facilities of Mallinckrodt, Inc., located at or near Paris, KY, Decatur, IL and St. Louis, MO, on the one hand, and on the other, points in GA, IL, IN, KY, MA, MO, NC, NJ, OH, PA, CT, and RI.

No. MC 140051 (Sub-No. 4), filed January 12, 1978. Applicant: DANIEL C. NEASE, d.b.a. LANCER ENTERPRISES, 3131 Crest Road, Cincinnati, OH 45247. Applicant's representative: Timothy T. Slater, 6343 Birchdale Court, Cincinnati, OH 45230. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, linoleum, tile, and materials and supplies* used in the installation of the above-named commodities and *rejected or returned shipments*, between points in IN, under a continuing contract or contracts with Carson, Pirie, Scott & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, OH.

No. MC 141532 (Sub-No. 15) (Correction), filed November 17, 1977, published in the FEDERAL REGISTER issue of February 2, 1978, and republished this issue. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, WA 98002. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Aluminum and aluminum products*, between points in CA, OR, and WA.

NOTE.—The purpose of this republication is to correct the conjunctive error in the FEDERAL REGISTER from "or aluminum products" to "and aluminum products." If a hearing is deemed necessary, applicant requests it be held at either Portland, OR, or San Francisco, CA.

No. MC 141804 (Sub-No. 98), filed January 26, 1978. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, TN 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, TN 37072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sprinklers, irrigation equipment, electronic controls and components, and related parts* from the manufacturing and warehousing facilities utilized by Rainbird Sprinkler Mfg. Corp. in Azusa, Irwindale, and Glendora, CA, to Salt Lake City, UT, Denver, CO, Valley, NE, and points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Los Angeles, CA, or Nashville, TN.)

No. MC 143149 (Sub-No. 2), filed December 14, 1977. Applicant: GARY PESSMAN TRUCKING, Rural Route No. 1, Fulton, IL 61252. Applicant's representative: Winston A. Hollard, 5900 West Colfax Avenue, Suite 20, P.O. Box 14006, Denver, CO 80214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from plant sites of steel producing mills in Fairfield, AL, to points in Alquippa, Bethlehem, Clairton, Homstead, Johnstown, and Pittsburgh, PA; Cleveland and Youngstown, OH; Lackawanna, NY; Burns Harbor, Gary, Hammond, and Portage, IN; Chicago, Granite City, Hennepin, and Sterling, IL; Kansas City and St. Louis, MO; Kansas City, KA; Norfolk, NE; Houston, TX; Geneva, UT; Torrence, CA; Denver, CO and its commercial zone: (2) *Racks, pallets*, storage or warehouse, *iron or steel knocked down in package or loose*, for account of Steel Storage Systems, Inc., from Denver, CO and its commercial zones, to points in the United States (except AK and HI), under a continuing contract with Steel, Inc. and Steel Storage Systems.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Denver, CO.

Docket No. MC 143358 (Sub-No. 3F), filed February 13, 1978. Applicant: STATE EXPRESS, INC., Post Office Box 279, Mountain View, GA 30070. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned, bottled* and *preserved foodstuffs*, (except commodities in bulk), from facilities of Vlasic Foods, Inc., Greenville, MS, to points in the U.S. (except AK and HI), and (2) *materials, equipment and supplies used or useful in the manufacture, distribution and sale of canned, bottled and preserved foodstuffs*, from points in U.S. (except AK and HI), to facilities of Vlasic Foods, Inc, Greenville, MS. Restriction: Service under parts (1) and (2) is restricted to transportation performed under contract or continuing contracts with Vlasic Foods, Inc. (Hearing site: Atlanta, GA.)

No. MC 143818 (Sub-No. 1F), filed February 7, 1978. Applicant: FRANK MISKE, doing business as FRANK MISKE TRUCKING, 1303 Clearview Avenue, Parma, OH 44134. Applicant's representative: Raymond J. Grabow, Penthouse Suite, One Erieview Plaza, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and building materials*, between Cleveland, OH and facilities of Bowman Products, Division of Associated Spring Corp., located at or near Bakersfield, CA, Elizabethtown, KY, Corry, PA, Dallas, TX, and Colonial Heighth, VA, on the one hand, and on the other, points in CA, CO, IL, KY, NV, OR, PA, TX, UT, and WA, under a continuing contract with Bowman Products, Division of Associated Spring Corp., located in Cleveland, OH. (2) *Machinery, metal rolling mill equipment, and iron and steel articles of bulk size and dimensions, and auto parts*, between Cleveland, OH and plantsites and facilities of Production Experts, Inc. and Linesville, PA and points therein, on the one hand and on the other, points in CA, CO, IL, KY, NV, OR, PA, TX, UT, and WA, under a continuing contract with Production Experts, Inc., located in Cleveland, OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Cleveland, OH.

No. MC 143835 (Sub-No. 1F), filed: February 10, 1978. Applicant: PRICE G. TURNER, R.D. No. 2, 10312 Miller Road, Utica, NY 13502. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecher Street, Utica, NY 13501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Cameron, Clinton, and Potter Counties, PA to points in NY, under continuing contract or contracts with Turner Coal Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Utica, or Syracuse, NY.

No. MC 144041 (Sub-No. 1F), filed: February 13, 1978. Applicant: DOWNS

TRANSPORTATION CO., INC., 2750 Canna Ridge Circle NE., Atlanta, GA 30345. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authoirty sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Uncrated store fixtures*, from the facilities of Warren-Sherer Division of Kysor Industrial Corp. in Rockdale County, GA, to points in the U.S. (except GA, AK, and HI); and (2) *Materials and supplies* (except commodities in bulk and lumber, used in the manufacture, sale, and distribution of store fixtures, from points in the U.S. (except GA, AK, and HI), to the facilities of Warren-Sherer Division of Kysor Industrial Corp. in Rockdale County, GA. (B) (1) *Uncrated store fixtures*, from the plant site of Warren-Sherer Division of Kysor Industrial Corp. at Marshall, MI, to points in the U.S. (except MI, AK, and HI); and (2) *Material and supplies* (except commodities in bulk and lumber) used in the manufacture and distribution of store fixtures, from points in the U.S. (except MI, AK, and HI), to the plant site of Warren-Sherer Division of Kysor Industrial Corp. at Marshall, MI. (C) (1) *Plastic articles* (except in bulk), from points in Newton, and Rockdale Counties, GA, to points in AL, KY, LA, MS, NC, SC, TN, VA, WV, and those points in that part of FL west of the Suwannee River; (2) *Plastic articles* (except in bulk), from Jacksonville and Springfield IL, to points in GA and NJ. (D) (1) *Aquariums, aquarium supplies*, and *materials and supplies* utilized in the manufacture and distribution of aquariums and aquarium supplies (except commodities in bulk), between Canton, GA, on the one hand, and, on the other, points in the U.S. (except AK, GA, and HI).

NOTE.—Applicant holds authority to conduct the above operations as a contract carrier in MC 140883 Subs 2, 4, 7, 10, 11, and 12. This application is to convert the contract carrier authority to common carrier authority. Dual operations may be involved. (Hearing site: Atlanta, GA)

No. MC 144041 (Sub-No. 3F), filed February 10, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, GA 30345. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Light fixtures, light fixture lamps, and light fixture parts*, from Conyers and Cochran, GA, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, TX, UT, WA, and WY.

NOTE.—Applicant holds contract carrier authority in MC 140883 and subs thereto; therefore, dual operations may be involved. (Hearing site: Atlanta, GA.)

No. MC 144151, filed December 13, 1977. Applicant: WESTRUX TIMBER TRANSIT, INC., 1779 252nd Street, Rural Route No. 4, Aldergrove, BC, Canada VOX 1A0. Applicant's representative: Henry C. Winters, No. 235, Evergreen Building, Renton, WA 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between ports of entry on the international boundary line between the United States and Canada at or near Blaine, Lynden, and Sumas, WA, on the one hand, and, on the other hand, points in King, Grays Harbor, Pierce, Lewis, and Benton Counties, WA, and Clackamas, Multnomah, and Washington Counties, OR, for furtherance into Canada.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Seattle or Bellingham, WA.

No. MC 144194, filed January 11, 1978. Applicant: GASOLINE TANK SERVICE, INC., 5501 Airport Way South, Seattle, WA 98104. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste and reclaimed resins, solvents, and thinners*, in bulk, between points in WA, OR, and CA and all ports of entry on the international boundary line between the United States and Canada, located at points in WA, with traffic moving in foreign commerce, a nonradial movement, under a continuing contract or contracts with Chemical Processors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, WA.

No. MC 144268, filed January 23, 1978. Applicant: BARNEY HIRSON, an individual, doing business as B. Hirson Trucking, P.O. Box 24203, Oakland, CA 94623. Applicant's representative: Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except classes A and B explosives and articles of unusual value), in containers or in trailers having an immediately prior or subsequent movement by water in interstate or foreign commerce, and (2) *empty used containers, used trailers, and used trailer chassis, between ports in CA on or north of San Francisco Bay, on the one hand, and on the other, points in CA in or north of Monterey, Fresno, and Mono Counties.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held in San Francisco, CA.

PASSENGERS

No. MC 1515 (Sub-No. 245), filed January 30, 1978. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, and express*, and *newspapers*, in the same vehicle with passengers, (1) between Chicago, IL and Elmhurst, IL, serving all intermediate points; from Chicago over Interstate Hwy 90 to junction U.S. Hwy 20 at Elmhurst, IL, and return over the same route; (2) between the junction of combined U.S. Hwys 45, 12, and 20 and Interstate Hwy 90 at Hillside, IL, and the junction of combined U.S. Hwys 45, 12, and 20 and Lake Street (formerly U.S. Hwy 20) near Northlake, IL, serving all intermediate points, from the junction of combined U.S. Hwys 45, 12, and 20 and Interstate Hwy 90 over combined U.S. Hwys 45, 12, and 20 to junction Lake Street and return over the same route; (3) between the junction of Interstate Hwy 90 and IL Hwy 5 (East-West Tollway) at or near Hillside, IL, and junction Interstate Hwy 294 and Interstate Hwy 294 access route, serving no intermediate points; from the junction of Interstate Hwy 90 and IL Hwy 5 over IL Hwy 5 to junction Interstate Hwy 294 access route, then over Interstate Hwy 294 access route to junction Interstate Hwy 294 and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC 143626 (Sub-No. 2), filed January 11, 1978. Applicant: TWIN CITY COACH CO., INC., 2712 North Nansemond Drive, Suffolk, VA 23435. Applicant's representative: L. David Lindauer, 430 Crawford Parkway, P.O. Box 277, Portsmouth, VA 23705. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Amtrak passenger station, located at Norfolk, VA, and Amtrak passenger station located at Ettrick, VA; from Norfolk, VA, over U.S. Hwy 460 to Petersburg, then to U.S. Hwy 1 and 301 to Depuy Avenue, then over East River Road to Ettrick, VA, with intermediate points at Stewart Tours Travel Agency, located at Portsmouth, VA, and Amtrak station, located at Suffolk, VA, under continuing contract or contracts with Amtrak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Richmond or Norfolk, VA.

No. MC 144158 (Sub-No. 1), January 3, 1978. Applicant: CALDWELL SCHOOL & CHARTER BUS CO., INC., P.O. Box 607, Route No. 8, Caldwell, ID 83605. Applicant's representative: Dean E. Miller, P.O. Box 640, 9th and Dearborn Streets, Caldwell, ID

83605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round trip tours, beginning and ending at points in Malheur County, OR., and Canyon, Owyhee, Payette, and Washington Counties, and extending to points in OR, ID, WA, CA, NV, and UT.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Boise or Caldwell, ID.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers, or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with special rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-12405 (supplement) (TOMPKINS MOTOR LINES, INC.—Purchase—Trek Express, Ltd.). This supplemental notice reflects publication of an omitted portion of authority sought in No. MC-F-12405 as originally published in the January 15, 1975, FEDERAL REGISTER. This omitted authority is as follows: *Meats and meat packinghouse products, etc.*, as a *common carrier*, over irregular routes, from the plantsite of World Wide Meats at Denison, IA, to points in AL, FL, GA, MS, NC, SC, and TN.

No. MC-F-13512. Authority sought for control by BLACKHAWK ENTERPRISES, 349 Depot Road, Hayward, CA, 94545, of Callens Trucking Co., Inc. (Howard and Ella Callens, shareholders), 2310 North Rosemead Boulevard (P.O. Box 1368), South El Monte, CA 91733, and for acquisition by Phil R. Sims, Jr., 349 Depot Road, Hayward, CA 94545, of control of Callens Trucking Co., Inc., through the acquisition by Phil R. Sims, Jr. Applicants' attorney: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Operating rights sought to be controlled: (1) *Such articles and products* as are dealt in, manufactured, and sold by manufacturers of buildings, school, and institutional supplies and equipment, and (2) *commodities*, the transportation of which is partially exempt, pursuant to provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with the commodities described in (1) above, as a contract carrier over irregular routes from Harrison, AR, Indianapolis, IN, Battle Creek and Kalamazoo, MI, Red Bank and Shrewsbury, NJ, Upper Sandusky and Cleveland, OH, Philadelphia, PA, Salt Lake City, UT, and Norfolk, VA, to points in CA, with restrictions; such commodities as are used, distributed, and dealt in by fabricators and distributors of canvas, webbing, and industrial fabrics from points in AL, CT, FL, GA, MO, NY, NJ, NC, OH, PA, RI, SC, and TX, to points in CA, with restrictions. Blackhawk Enterprises is authorized to operate as a contract carrier in CA, NJ, and MD. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13513. Authority sought for purchase by O.N.C. FREIGHT SYSTEMS, 260 Sheridan Avenue, Suite 200, Palo Alto, CA 94306, of a portion of the operating rights of System 99, 8201 Edgewater Drive, Oakland, CA 94621, and for acquisition by Rocor Internation, 260 Sheridan Avenue, Palo Alto, CA 94306, of control of such rights through the transaction. Applicants' attorney: William D. Taylor, Esq., 100 Pine Street, San Francisco, CA 94111. Operating rights sought to be purchased: *Agricultural commodities, wool, livestock, and ranch supplies*, as a *common carrier*, over irregular routes, between points in Deschutes and Lake Counties, OR; *general commodities*, with unusual exceptions, between points in Harney, Grant, Malheur, Lake, and Deschutes Counties, OR, on the one hand, and, on the other, points in Jefferson, Crook, and Klamath Counties, OR, and that part of Lane County, OR, on and within 10 miles of U.S. Hwy 126 between Eugene, OR, and the Linn County line; between points in Harney, Grant, Malheur, Lake, and Deschutes Counties, OR; *livestock*, between points in Harney, Malheur, Grant, and Deschutes Counties, OR, on the one hand, and, on the other, points in CA, ID, NV, and WA; *general commodities*, with exceptions, from Madras, OR, to the site of the Round Butte Dam on the Deschutes River, Jefferson County, OR, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY. Application has not been filed for temporary authority under section 210a(b).

NOTE.—No. MC 71459F (Sub-No. 68) is a directly related matter.

No. MC-F-13514. Authority sought for merger through dissolution and liquidation into LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK 73108, of the operating rights and properties of Johansen's Superior Truck Co., 3000 West Reno, Oklahoma City, OK 73108, and for acquisition by Pepsico, Inc., Anderson HIll Road, Purchase, NY 10577, of control of such rights through the transaction. Applicants' attorney: Mr. Richard H. Champlin, P.O. Box 82488, Oklahoma City, OK 73108. Operating rights sought to be merged: *General commodities*, with the usual exceptions as a *common carrier* over regular routes between the southern limits of the Los Angeles Basin Territory and San Ysidro, CA, and San Diego, CA, serving all intermediate points; and between Riverside, CA, and Indio, CA, serving all intermediate points; *General commodities*, over irregular routes between the Los Angeles, CA, Basin area as more particularly described in certificate No. MC 120012 (Sub-No. 2). Vendee is authorized to operate as a *common carrier* in AL, AZ, CA, CO, GA, IL, IN, IA, KS, KY, MN, MS, MO, NM, NY, NC, OH, OK, PA, SC, TN, TX, and VA. Application has not been filed for temporary authority under section 210a(b). Approval of the transaction will not result in (a) dual operations (b) splitting of operating authority; or (c) duplicating authority.

NOTE.—Under No. MC-F-12123, Lee Way Motor Freight, Inc., was granted control of Johansen's Superior Truck Co. February 20, 1975. Transaction was consummated on May 1, 1975.

No. MC-F-13515. Authority sought for the purchase by ESTES EXPRESS LINES, 1405 Gordon Avenue, Richmond, VA 23224, of a portion of the operating rights of Palmer Motor Express, Inc., P.O. Box 103, Savannah, GA 31402, and for acquisition by Robey W. Estes, 1405 Gordon Avenue, Richmond, VA 23224, of control of the rights through the purchase. Applicants' attorney: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be purchased: *General commodities*, except those of unusual value, *Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment*, as a *common carrier* over regular routes between Savannah over U.S. Hwys 17 and 17A to junction SC Hwy 170, then over SC Hwy 170 to junction SC Hwy 46 at or near Pritchardville, SC, then over U.S. Hwy 278 to Forest Beach, SC, on Hilton Head Island, SC, and return over the same routes, serving all intermediate points and off-route points in that part of Beaufort County, SC, south and west of the Broad River and Port Royal Sound. Authority to be acquired is part of operating rights held by

vendor in Docket No. MC 136384 (Sub-No. 2). Vendor will retain nonduplicating authority to operate in GA, SC, and FL. Vendee is authorized to provide service as a general freight transporter over regular and certain irregular routes in VA, NC, and SC. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-13518. Authority sought for purchase by OLEAN LIMOUSINE SERVICE, INC., Masonic Temple Building, Olean, NY 14760, of the operating rights of Allen's Taxi Co., Inc., 502-504 North Barry Street, Olean, NY 14760, and for acquisition by Donald R. Emens and James J. Riley, both of Masonic Temple Building, Olean, NY 14760, of control of such rights through the purchase. Applicants' attorney: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, NY 14202. Operating rights sought to be purchased: *Passengers*, limited to the transportation of not more than nine passengers in one vehicle, not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, and baggage in the same vehicle with passengers, limited to passengers having an immediately prior or immediately subsequent movement by air, rail, or motor carrier, and of packages, not in excess of 100 pounds each in the same vehicle with passengers, in special operations, as a *common carrier* over irregular routes between Olean, NY, and points within 20 miles thereof, on the one hand, and, on the other, points in PA, NY, and OH, and the ports of entry on the United States-Canada boundary line located at Buffalo, Niagara Falls, and Lewiston, NY. Vendee is authorized to operate as a *contract carrier* in NY, OH, PA, IL, IN, MD, MI, NJ, VA, WV, WA, and DC. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13519. Authority sought for purchase by GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312, of the operating rights of R & S Transfer, Inc., Rural Route 1, Forest, OH 45843, and for acquisition by George W. Kugler, 2800 East Waterloo Road, Akron, OH 44312, of control of such rights through the purchase. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: *Fabricated structural steel and iron*, as a *contract carrier* over irregular routes (1) from the plantsite of Carter Steel & Fabricating Co. at Bellefontaine, OH, to points in OH, IN, IL, KY, WV, VA, PA, TN, MD, NY, WI, and MI; (2) from points in OH, IN, IL, KY, WV, VA, PA, TN, MD, NY, and WI, and points in that part of MI south of MI Hwy 21, to the plantsite of the Carter Steel & Fabricating Co., at Bellefontaine, OH, with restrictions. Vendee is authorized to operate as a *common carrier* in IL, CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, the DC, TN, WI, IA, KY, MO, MN, ND, SD, NE, KS, OK, and TX. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 125533 (Sub-No. 22)F is a directly related matter.

No. MC-F-13522. Authority sought for purchase by GEORGE B. KING, an individual, d.b.a. KING TRANSFER, 714 Pearl Street, Onawa, IA 51040, of a portion of the operating rights of Momsen Trucking Co., 13811 L Street, Omaha, NE 68137. Applicants' attorney: Robert A. Wichser, 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Operating rights sought to be purchased: *Chemicals and fertilizers*, as a *common carrier* over irregular routes from Port Neal Industrial Complex, and Big Soo Terminal, and the plantsite of, and warehouses and storage facilities utilized by Terra Chemicals International, Inc., American Cyanamid Co., and Monsanto Co. located in Woodbury County, IA, and Dakota County, NE, to points in CO, IL, IA, KS, MO, NE, MN, ND, OK, SD, WI, and WY, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in CO, IL, IA, KS, MN, MO, NE, ND, OK, SD, WI, and WY. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13523. Authority sought for purchase by MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003, of a portion of the operating rights of Dakota Express, Inc., 550 East Fifth Street South, South St. Paul, MN 55075, and for acquisition by Mary J. Hands, 884 Dorroll, Grand Rapids, MI 49505, Louis W. Hands, William C. Harris, Francis W. Tucker, all of P.O. Box 2853, Kalamazoo, MI 49003, Kathleen Sommers, 3518 Coit, Grand Rapids, MI 49505 and Mary Ellen Vega, 2421 Richards, Grand Rapids, MI 49506, of control of such rights through the transaction. Applicants' attorney and representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy, Park Ridge, IL 60068, and K. O. Petrick, Vice President, Traffic and Commerce, Dakota Express, Inc., 550 East 5th Street South, South St. Paul, MN 55075. Operating rights sought to be transferred: *Foodstuffs* (except commodities in bulk), as a *common carrier* over irregular routes from the plantsite and warehouse facilities utilized by George A. Hormel & Co., at or near Beloit, WI, to points in IL, MI, OH, IN, MN, ND, SD, NE, IA, MO, and KS, with restrictions; *meat, meat products, meat byproducts, foodstuffs, and canning plant materials, equipment, and supplies* (except hides and commodities in bulk), from points in IL, MI, OH, IN, MN, ND, SD, NE, IA, MO and KS, to the plantsite and warehouse facilities utilized by George A. Hormel & Co., at or near Beloit, WI, with restrictions. Vendee is authorized to operate as a *common carrier* under Certificate No. MC 82492 and subs thereunder and conducts irregular route operations between points in the States of ND, SD, NE, KS, MN, IA, MO, WI, IL, MI, IN, OH, KY, TN, PA and NY. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13525. Authority sought for purchase by TRANSCON LINES, 101 Continental Boulevard, El Segundo, CA 90245, of a portion of the operating rights of Ohio Fast Freight, Inc., 300 Martin Luther King, Jr., Boulevard, Warren, OH 44482. Applicants' attorneys: Wenthworth E. Griffin, 1221 Baltimore Ave., Kansas City, MO 64105 (Vendee), and Paul F. Beery, 275 East State Street, Columbus, OH 42215 (Vendor). Operating rights sought to be transferred: General commodities, with the usual exceptions, as a common carrier, over irregular routes; (A) Docket No. MC-14702, between Warren, OH, on the one hand, and, on the other, points in VA; (B) Docket No. MC-14702 (Sub-No. 57G) between points in OH, on the one hand, and, on the other, points in VA; (C) Docket No. MC-14702 (Sub-E-3), between points in VA, on and east of Interstate Hwy 95, on the one hand, and, on the other, points in OH on and north of a line beginning at the PA-OH State line, then west along OH Hwy 14 to its intersection with Alternate Hwy 14-A, then along Alternate OH Hwy 14-A to its intersection with U.S. Hwy 62, then along U.S. Hwy 62 to its intersection with OH Hwy 13, then along OH Hwy 13 to its intersection with OH Hwy 79, then along OH Hwy 79 to its intersection with Interstate Hwy 70, then along Interstate Hwy 70 to its intersection with OH Hwy 37, then along OH Hwy 37 to its intersection with U.S. Hwy 22 to the KY-OH State line. Vendee is authorized to operate as a common carrier in Docket No. MC-110325 in AL, AZ, AR, CA, CO, CT, DE, DC, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MS, MO, MT, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SD, SC, TN, TX, UT, VA, WA, WV, WI and WY. In its Docket MC-110325 (Subs-No. 38 and 42), Vendee has regular routes between Washington, DC and points within its commercial zone, and points in OH which would duplicate in part that sought herein. Vendee indicates

that it intends to join the authority sought herein with its other regular route authority for service to points beyond OH.

No. MC-F-13527. Authority sought for control and merger by BN TRANSPORT, INC., 6775 East Evans Avenue, Denver, CO 80224, of Hart Motor Express, Inc., 2417 North Cleveland, St. Paul, NM 55113 and for acquisition by Burlington Northern Inc., 176 East 5th Street, St. Paul, MN 55101 of control of Hart Motor Express, Inc. through the acquisition. Applicants' attorneys: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309 and Donald Morken, 1000 First National Bank Building, Minneapolis, MN 55402. Operating rights sought to be controlled and merged: General commodities, with the usual exceptions, and specified commodities, as a common carrier, over regular and irregular routes, from, to and between specified points and areas in the States of IL, IN, IA, MN, MT, NE, ND, OH, SD and WI with certain restrictions serving various intermediate and off-route points, and over alternate routes for operating convenience only, as more specifically described in Docket No. MC-78643 and sub numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights without stating, in full the entirety thereof. BN Transportation Inc., is authorized to operate as a common carrier in CO, ID, IL, IN, IA, KS, MN, MO, MT, NE, ND, OR, WA, WI, and WY. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13532. Authority sought for purchase by GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue NW (P.O. Box 1235), Fort Dodge, IA, 50501, of a portion of the operating rights of Hiawatha Produce Co., 4195 Fourth Street, Winona, MN 55987, and for acquisition by Robert D. McMahon, 1439 N. 7th Street, Fort Dodge, IA 50501, of control of such rights through the purchase. Applicants' attorneys: D. L. Robson, P.O. Box 1235, Fort Dodge, IA, 50501 and Allan B. Torhorst, 217 East Jefferson Street, Burlington, WI, 53105. Operating rights sought to be transferred: Frozen foods and poultry commodities, as a common carrier over irregular routes from Faribault and St. Charles, MN, to points in CT, IL, IN, KY, ME, MD, MA, MI, ,MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, as more fully described in certificate No. MC-135032 (Lead Certificate). Vendee is authorized to operate pursuant to certificate No. MC-119741 and Subs thereunder in the states of CO, CT, DE, DC, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, ND, OH, OK, PA, RI, TX, VA, WV, and WI. Application has been filed for temporary authority under Section 210a(b). Approval of the proposed operation will not result in dual operations.

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no ssignificant effect on the quality of the human environment resulting from approval of its application.

No. MC-2900 (Sub-No. 325F), filed February 27, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (A) Irregular routes—*General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, TX, on the one hand, and, on the other, points within an area of TX bounded by a line beginning at Galveston and extending north along Interstate Hwy 45 to Houston, thence along Interstate Hwy 10 to Columbus, thence along Texas Hwy 71 to Austin, thence along U.S. Hwy 290 to Fredericksburg, thence along U.S. Hwy 87 to San Antonio, thence along U.S. Hwy 81 to Laredo, thence along the Rio Grande River to the Gulf of Mexico, and all points on the above specified highways. (B) Regular routes—*General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Oklahoma City, OK and Houston, TX serving no intermediate points and serving Dallas, TX, for the purpose of joinder only: From Oklahoma City, OK, over Interstate Hwy 35 to Denton, TX, then over Interstate Hwy 35E to Dallas, TX; then over Interstate Hwy 45 to Houston, TX; and return over the same route; (2) between Memphis, TN, and Houston, TX serving no intermediate points and serving Little Rock, AR, for purpose of joinder only: From Memphis, TN over Interstate Hwy 40 to Little Rock, AR; then over Interstate Hwy 30 to junction U.S. Hwy 59; then over U.S. Hwy 59 to Houston, TX; and return over the same route.

NOTE.—Common control may be involved. This application is directly related to MC-F-13489—Ryder (Purchase Portion) England Transportation Co. of Texas, published in FEDERAL REGISTER of February 9, 1978. If a hearing is deemed necessary, applicant requests it be held at Houston, TX and Atlanta, GA. The purpose of this application is to convert to two-way authority the one-way authority which applicant seeks to purchase from England Transportation in MC-F-13489, and, in connection therewith, to obtain certain shorter routes into Houston, TX.

No. MC 42487 (Sub No. 873F), filed February 24, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Eugene T. Liipfert, 1660 L Street, NW., Suite 1000, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, frozen foods, frozen food stuffs, daily products as described in appendix 1 to the report on Descriptions in Motor Carrier Certificates, 61 MCC 209, imitation liquid milk and cream, and chocolate candies): Between points within the municipalities of Boston, Chelsea, Revere, Everett, Malden, Somerville, Medford, Cambridge, Newton and Quincy, and points within the township limits of Winthrop, Watertown, Needham, Dedham, Brookline and Milton, MA, excluding points in the commercial zones beyond the municipal and township limits thereof, and Bangor, ME, serving all intermediate points in ME on the described routes and all off route points in ME in connection with carrier's regular route authority described herein: From Boston over U.S. Hwy 1 to the

NH-ME Boundary at or near Portsmouth, NH, then continuing over U.S. Hwy 1 to its intersection with alternate U.S. Hwy 1 near Searsport, then over alternate U.S. Hwy 1 to Bangor, and return over the same route; From Boston over U.S. Hwy 1, as described above, to its intersection with Interstate Hwy 95 at or near Brunswich, ME, then over Interstate Hwy 95 to Bangor, and return over the same route.

NOTE.—Common Control may be involved. This case involves conversion to regular routes of irregular routes sought to be acquired by applicant in Docket No. MC-F 13314, published in the FR issue of September 1, 1977. A prehearing conference will be held on April 21, 1978, at the Office of the Interstate Commerce Commission, Washington, D.C.

No. MC 71459 (Sub- No. 68F), filed February 13, 1978. Applicant: O.N.C. FREIGHT SYSTEMS, a corporation, 260 Sheridan Avenue, Suite 200, Palo Alto, CA 94306. Applicant's representative: Joseph P. Ficurelli, 260 Sheridan Avenue, Suite 200, Palo Alto, CA 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Between the junction of OR Hwy 58 and U.S. Hwy 97, and ON, OR; serving all intermediate points: From junction OR Hwy 58 and U.S. Hwy 97, over U.S. Hwy 97 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction OR Hwy 201, then over OR Hwy 201 to ON and return over the same route.

NOTE.—This application is a matter directly related to a finance application being filed concurrently. Applicant seeks authority herein to convert to regular routes a portion of the irregular route authority being purchased in MC-F-13513, published in a previous section of this FR issue. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Bend and Ontario, OR.

No. MC 118696 (Sub-No. 11F), filed March 3, 1978. Applicant: FERREE FURNITURE EXPRESS, INC., 225 Wildwood Road, Hammond, IN 46324. Applicant's representative: Walter F. Jones, 601 Chamber of Commerce Building, 320 N. Meridian Street, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in IL, OH, KY, MI, and IN.

NOTE.—The purpose of this application is to eliminate the gateway of Indianapolis, IN, and is a matter directly related to MC-F-13185, published in the FR issue of June 3, 1977. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL or Indianapolis, IN.

No. MC 125533 (Sub-No. 22F), filed February 21, 1978. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44309. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Fabricated structural steel and iron*, (1) from the plantsite of Carter Steel and Fabricating Company at Bellefontaine, OH, to points in OH, IN, IL, KY, WV, VA, PA, TN, MD, NY, WI, and MI; (2) from points in OH, IN, IL, KY, WV, VA, PA, TN, MD, NY, and WI, and points in that part of MI south of MI Hwy 21, to the plantsite of the Carter Steel and Fabricating Company, at Bellefontaine, OH; from the plantsite of Midwest Steel Fabricators, Inc., at Springfield, OH, to points in IN, IL, KY, WV, VA, PA, TN, MD, NY, WI, and MI; from points in IN, IL, KY, WV, VA, PA, TN: MD, NY, and WI, and points in that part of MI south of MI Hwy 21 to the plantsite of Midwest Steel Fabricators, Inc., at Springfield, OH.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, OH at the same time and place as related finance application under section 5, George W. Kugler, Inc.,—Purchase—R & S Transfer, Inc., MC-F-13519, published in a previous section of this FR issue. The purpose of this application is to convert contract carrier operation to common carriage.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and request for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 57796, filed January 10, 1978. Applicant: KERNER TRUCKING SERVICE, INC., 2601 E. 26th Street, Los Angeles, CA 90058. Applicant's representative: Fred H. Mackensen, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: *General commodities*, A. Between all points and places within the Los Angeles Basin Territory described in Note A and within the San Diego Territory described in Note B and between said territories, serving all points and places on and within ten (10) miles laterally of Interstate Hwys 5 or 15 or U.S. Hwy 395. B. Between all points and places within the territory described in Paragraph A. above and Goleta, serving all points and places on and within ten (10) miles laterally of U.S. Hwy 101. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B. 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Logs. 8. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. 9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

Note A: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; then northeasterly along said county line to the point it intersects State Hwy No. 118, approximately two miles west of Chatsworth; easterly along State Hwy No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Ave.; northeasterly along McClay Ave. and its prolongation to the Los Angeles National

Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Rd.; westerly along Mill Creek Rd. to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Hwy No. 99; northwesterly along U.S. Hwy No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Ave. westerly along Brookside Ave. to Barton Ave.; westerly along Barton Ave. and its prolongation to Palm Ave.; westerly along Palm Ave. to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Ave. southerly along Iowa Ave. to U.S. Hwy No. 60; southwesterly along U.S. Hwys Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boudary to San Jacinto Ave.; southerly along San Jacinto Ave. to State Hwy No. 74; westerly along State Hwy No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right of way to Washington Ave.; southerly along Washington Ave.; through and including the unincorporated community of Winchester to Benton Rd.; westerly along Benton Road to the County Rd. intersecting U.S. Hwy No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county Rd. to U.S. Hwy No. 395; southeasterly along U.S. Hwy No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Note B: San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Hwy 101-E and 101-W (four miles north of La Jolla); then easterly to Miramar on State Hwy No. 395; then southeasterly to Lakeside on the El CajonRamona Hwy; then southerly to Bostonia on U.S. Hwy No. 80; then southeasterly to Jamul on State Hwy No. 94; then due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, California State Building, 350 McAllister St. San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-6726 Filed 3-15-78; 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. 91-409), 5 U.S.C. 552b(e)(3).

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[6355-01]

1

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: March 16, 1978; 9:30 and 2 p.m.

LOCATION: Third Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A. Open to the public.

1. *Recommendation to Accept Corrective Action Plan: Yamaha Motor Corp. go-kart, ID 77-76*

The staff has recommended that the Commission accept the corrctive action plan which Yamaha has implemented to correct a possible steering failure hazard in certain go-karts it manufactures. The staff also recommends that the Commission not pursue a timeliness case.

2. *Recommendation to Accept Corrective Action Plan: Gerico, Inc. portable stroilers, ID 78-5*

The staff has recommended that the Commission accept the corrective action plan, and not pursue a timeliness case in this matter involving a possible hazard in certain folding baby strollers.

3. *Recommendation to Accept Corrective Action Plan: Fritz Gegauf AG. regulator for sewing machines ID 78-7*

The staff has recommended that the Commission accept the corrective action plan which this firm proposes to implement to correct a possible overheating hazard in regulators for certain Bernina sewing machines.

4. *Recommendation to Accept Corrective Action Plan: NEVCO ceramic hot pots, ID 78-16*

The staff has recommended that the Commission accept the corrective action plan which this firm proposes to implement to correct a possible shock hazard in certain hot pots it manufactures.

5. *Draft Policy on Exemptions from Commission Regulations*

If approved, this FEDERAL REGISTER document would issue a policy statement setting forth criteria which the Commission, considers in deciding whether to grant or deny a request for exemption from a Commission regulation.

6. *Proposed Financial Compensation Program*

The Commission will consider a proposal to initiate a temporary program for the financial compensation of participants in rulemaking proceedings, pending establishment and staffing of an Office of Public Participation.

7. *Aerosol Products Containing Vinyl Chloride Propellants*

The Commission will consider what action to take following court action setting aside its 1974 ban of self-pressurized products containing vinyl chloride monomer.

B. Partly closed to the public.

8. *Preliminary Evaluation of Comments on Proposed Section 15 Regulations*

In September, 1977, the Commission proposed reporting regulations for persons who manufacture, import, distribute or sell products which may present a substantial product hazard. At this meeting, the Commission and staff will discuss possible actions CPSC may take as a result of evaluating the comments received on this proposal. The Commission has voted to close to the public the portion of this meeting which deals with legal options.

2:00 p.m., Commission Birefing

C. Closed to the public.

9. *Briefing on Carpet and Rug Flammability Standards*

At this briefing, the staff will seek guidance from the Commission on options for future action with regard to the standards for carpets (FF 1-70) and for small carpets and rugs (FF 2-70).

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207.

[S-569-78 Filed 3-14-78; 10:06 am]

[6355-01]

2

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: March 23, 1978, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111-18th St., NW., Washington, D.C.

STATUS: Partly open to the public/ closed to the public.

MATTERS TO BE CONSIDERED:

Partly open to the public.

1. *Briefing on Miniature Christmas Tree Lights*

In November, 1977, the National Consumers League submitted a recommended safety standard for miniature Christmas tree lights, under the "offeror" process of the Consumer Product Safety Act. At this meeting, the staff will brief the Commission on its evaluation of the recommended standard, as revised by the staff. The Commission must decide by April 3, 1978 whether to propose the standard or withdraw the notice of proceeding.

Closed to the public.

2. *Briefing on a section 4(g)(2) Post-Employment Matter.*

In this briefing, the staff and Commission will discuss a former employe's request for an interpretation of the post-employment restrictions in section 4(g)(2) of the Consumer Product Safety Act.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, D.C. 20207, Telephone 202-634-7700.

[S-568-78 Filed 3-14-78; 10:06 am]

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 9929, published March 10, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 14, 1978.

CHANGE IN THE MEETING: The following item has been added.

Item No., Docket No., and Company

M-2.—RM78, Exemption of Certain Emergency Gas Transportation Arrangements During the Coal Emergency.

KENNETH F. PLUMB,
Secretary.

[S-570-78 Filed 3-14-78; 10:32 am]

[6730-01]

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., March 23, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Report on Notation items disposed of during February 1978.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during February 1978.
3. Report on Applications for Admission to Practice approved by the Secretary during February 1978.
4. Report on assignment of informal dockets by the Secretary during February 1978.
5. Agreement No. 9848-6: Application for extension through December 31, 1980, of the U.S. Gulf/Brazil Pool Agreement.
6. Docket No. 73-55: Uniform Rules And Regulations Covering Free Time On Import Containerized Cargo At The Port of New York—consideration of request for oral argument.
7. Docket No. 77-1: Pacific East Line, Inc.—Certificate (Performance) No. P-88—Determination as to holding of oral argument.
8. Informal Docket No. 359(I)—*Durite Corporation, Ltd.* v. *Sea-Land Service, Inc.*—Consideration of record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-576-78 Filed 3-14-78; 2:04 pm]

[7035-01]

5

MARCH 14, 1978.

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m.; Tuesday, March 21, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open regular conference.

MATTERS TO BE CONSIDERED: 1. Options Presentation in Ex Parte MC-43 (Sub-No. 7) Owner-Operations Leasing Rules (Office of Proceedings). 2. Regulation of Government Traffic, Ex Parte No. MC-107 (Office of Proceedings).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-577-78 Filed 3-14-78; 3:54 pm]

[4910-58]

6

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 9931, March 10, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m.; Thursday, March 16, 1978 [NM-78-14].

CHANGE IN THE MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

1. *Highway Accident Report and Recommendations.*—Ford Construction Company Truck-Trailer/Dodge Van Collision on U.S. Route 221, Near Marion, North Carolina, May 12, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-574-78 Filed 3-14-78; 2:04 pm]

[4910-58]

7

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m.; Thursday, March 23, 1978 [NM-78-15].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: The first item will be open to the public; the last two items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Marine Accident Report and Recommendation: Sinking of the SS *Edmund Fitzgerald* in Lake Superior on November 10, 1975.
2. Opinion and Order: *Administrator* v. *Franklin*, Dkt. SE-3472; disposition of the appeal of each party.
3. Opinion and Order: *Commandant* v. *Desvaux*, Dkt. ME-66; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-573-78 Filed 3-14-78; 2:04 pm]

[7710-12]

8

POSTAL SERVICE BOARD OF GOVERNORS.

NOTICE OF VOTE TO CLOSE A MEETING

On March 1, 1978, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of its meeting currently scheduled for April 4, 1978. Each of the members of the Board present voted in favor of partially closing the meeting, which is expected to be attended by the following persons: Governors Wright, Holding, Ching, Codding, Hardesty, and Robertson; Postmaster General Bolger; Secretary to the Board Cox; and Senior Assistant Postmaster General (Employee and Labor Relations) Conway.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the

Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of tile 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3) and 552b(c)(9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, and sections 7.3(c) and 7.3(i) of title 39, Code of Federal Regulations.

LOUIS A. COX,
Secretary.

[S-575-78 Filed 3-14-78; 2:04 pm]

[8010-01]

9

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 Commission will hold the following meetings during the week of March 20, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, March 21, 1978, at 2:30 p.m. An open meeting will be held on Wednesday, March 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 or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 21, 1978, at 2:30 p.m., will be:

Formal order of investigation.
Referral of investigative files to Federal, State, or self-regulatory authorities.
Freedom of Information Act Appeal.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive action.
Settlement of injunctive action.
Opinions.
Other litigation matters.

The subject matter of the open meeting scheduled for Wednesday, March 22, 1978, at 10 a.m., will be:

1. Re-entry application of George Eugene Grills, to allow him to become associated with a registered broker-dealer, as a registered representative.
2. Re-entry application of John W. Bendall, Jr., to allow him to become associated with a registered broker-dealer, as a registered representative.
3. Re-entry application of Francis C. Stefurak, to allow him to become associated with a registered broker-dealer, as a registered representative.
4. Application filed by Jesup & Lamont, Inc., for an exemption from the provisions of Section 9(a) of the Investment Company Act of 1940.
5. Request by Andrew W. Duncan that the Commission review the Division of Corporation Finance's determination concerning a shareholder proposal submitted by Mr. Duncan to the Coca-Cola Co.
6. Proposed publicatin of a release giving notice that the National Association of Securities Dealers, Inc. and the Chicago Board Options Exchange, Inc. have filed a plan for the allocation of regulatory responsibility pursuant to Rule 17d-2 of the Securities Exchange Act.

FOR FURTHER INFORMATION CONTACT:

Judy Chesser at 202-376-8065 or Michael Blount at 202-755-1224.

MARCH 13, 1978.

[S-572-78 Filed 3-14-78; 2:04 pm]

federal register

THURSDAY, MARCH 16, 1978
PART II



ENDANGERED SPECIES SCIENTIFIC AUTHORITY

■

EXPORT OF BOBCAT, LYNX, RIVER OTTER, AND AMERICAN GINSENG

Summary of Findings for the 1977–1978 Season

[4310-55]

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

EXPORT OF BOBCAT, LYNX, RIVER OTTER, AND AMERICAN GINSENG

Summary of Findings for the 1977-1978 Season

AGENCY: Endangered Species Scientific Authority.

ACTION: Notice.

SUMMARY: This notice summarizes findings of the Endangered Species Scientific Authority (ESSA) on commercial international export of certain Appendix II species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. In particular, notice is given of ESSA findings on a State-by-State basis for the 1977-78 season for the international commercial export of bobcat (*Lynx rufus*, excluding the Mexican bobcat, *L.r. escuinapae*), lynx (*Lynx canadensis*), river otter (*Lutra canadensis*), and American ginseng (*Panax quinquefolius*). Because the export of Appendix II specimens may be permitted only if the ESSA is able to find that the export will not be detrimental to the survival of the species, and because the biological, commercial, and legal classification of the named species varies among the States, a State-by-State analysis was considered necessary.

ADDRESS: Comments should be addressed to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets NW., Washington, D.C. 20240. Forthcoming comments and comments already received will be available for public inspection at 1612 K Street NW., Washington, D.C., 11th Floor, 7:45 a.m. to 4:15 p.m., Mondays through Fridays except Federal holidays.

FOR FURTHER INFORMATION CONCERNING BIOLOGICAL FINDINGS CONTACT:

Dr. William Y. Brown, Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets NW., Washington, D.C. 20240, 202-343-5687.

FOR INFORMATION CONCERNING EXPORT PERMITS CONTACT:

Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202-634-1496.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) and its implementing regulations, 50 CFR Part 23, control international trade in animal and plant species included in each of three Appendices, listed in § 23.23. The Convention Appendices are distinct from the list of species issued under the Endangered Species Act of 1973, 16 U.S.C. 1531-1543. Whereas listings under the Act include species endangered by any factor, species on the Convention Appendices must be actually or potentially endangered by international trade. Appendix II includes generally those species not necessarily now threatened with extinction, but which may become so unless trade in them is subject to strict regulation. In addition, Appendix II may include species similar in appearance to those species included because of biological jeopardy. The Convention required the establishment of a Scientific Authority whose purpose is to insure the scientific soundness of governmental decisions concerning trade in listed species of plants and animals. Therefore, the Endangered Species Scientific Authority (ESSA) was established by Executive Order 11911 on April 13, 1976 (3 CFR 112-114). On July 11, 1977, the ESSA published an Interim Charter and other information essential to its operation (42 FR 35799). In that notice, the ESSA requested interested persons to comment on the Interim Charter as well as to provide biological and trade information on Convention species.

The Federal Wildlife Permit Office of the U.S. Fish and Wildlife Service, serves as the U.S. Management Authority (MA) for the Convention. Before the MA can issue permits for foreign export of Appendix II species taken from the wild, the MA must be satisfied that specimens were not taken in violation of State law and in addition the ESSA must advise the MA that the export will not be detrimental to the survival of the species (Convention, Article IV 2). Although this document frequently refers to ESSA "approval" of export, the term indicates that the ESSA has no objection to issuance of export permits by the MA and in no way suggests limitation of the authority of the MA to withhold permits on other grounds. Note also that Convention permits are not required for trapping or sale within the United States.

The ESSA has established in its Interim Charter the following general criteria for determining whether an export (or purpose of import or introduction from the sea) will not be detrimental to the survival of a species:

1. Whether similar export, import or introduction from the sea has occurred in the past, and has not reduced the numbers or distribution of the species, nor caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystem.

2. Whether life history parameters of the species and the structure and function of its ecosystem indicate that the present frequency of export, import, or introduction from the sea will not appreciably reduce the numbers or distribution of the species, nor cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystem.

3. Whether such export, import, or introduction from the sea is expected to increase, decrease, or remain constant in frequency.

(ESSA Interim Charter, Article IV, C., 42 FR 35801.)

The bobcat, lynx, and river otter were included in Appendix II effective February 4, 1977. American ginseng was included when the Convention became effective on July 1, 1975. The animals were included along with the entire family Felidae and subfamily Lutrinae.

The U.S. Fish and Wildlife Service is currently reviewing the status of the bobcat, lynx, river otter, and American ginseng to determine whether they should be proposed as Endangered or Threatened under the Endangered Species Act of 1973. On July 13, 1977, the Service published a notice of review for the bobcat and the lynx (42 FR 35996); on July 28, 1977 the Service published a notice of review for the river otter (42 FR 38935); and on August 11, 1977, the Service published a notice of review for the American ginseng (42 FR 40823). In all three of these notices of review the Service requested interested parties to submit comments concerning the status of these species.

On August 12, 1977, the ESSA and the Service jointly published a notice stating that ESSA findings on commercial international export of these species for the 1977-78 season will be based on a State-by-State assessment of the status of each species (42 FR 40979-40980).

The variation among the States in species status indicated that such an individualized approach would best give the ESSA the necessary basis for finding whether export would not be detrimental to the survival of the species. The ESSA reviews many applications on a case-by-case basis, but the large volume of trade in these species calls for general findings. Interested parties were advised in the August 12 notice that the ESSA would publish a subsequent notice indicating the States of origin from which the ESSA was unable to approve commercial international export of subsequently obtained pelts and roots, and indicating authorized level of exports of any species for which commercial export was approved.

On August 30, 1977, the ESSA published notice of its preliminary findings on export of pelts and roots of these four species taken in the 1977-78 season. Preliminary findings were made for each species on a State-by-State basis. For its part, the ESSA give general approval until November 1,

1977, of commercial international export of American ginseng roots and bobcat, lynx, and river otter pelts obtained from the wild before August 30, 1977.

In addition, the ESSA approved the commercial international export of river otters and American ginseng taken subsequent to August 30, but only if the applicants could prove that the pelts were obtained from any of 17 States for the river otter or from Michigan in the case of American ginseng, and only to the extent authorized for each State.

Commercial international export of bobcat and lynx pelts was not approved, pending submission of additional information and management initiatives. For the bobcat, lack of information, rising pelt price and harvest, and certain management shortcomings were discussed as weighing against ESSA approval of export. Similar circumstances applied to the lynx, except that harvest level had generally declined over the last several years because of normal population cycling.

For the river otter, little information was available but neither price nor harvest had risen dramatically in recent years. Furthermore, State regulation of river otter harvest was found to be greater in scope and degree than for the bobcat.

For American ginseng, the ESSA's withholding of approval stemmed from almost complete lack of State management, coupled with biological information indicating overharvest in many States. Michigan was apparently the only State that allowed but controlled harvest.

In the August 30 notice, the ESSA stated repetedly that the preliminary findings were based upon data available to it, and that new information could lead it to modify its preliminary findings at any time. The ESSA emphasized in the notice that the development of more adequate management and regulation of these species in many States would lead the ESSA to many more findings in favor of international commercial export than was then possible. Many of the negative ESSA findings in the notice were stated to be compelled by lack of data and adequate regulatory mechanisms, rather than by positive evidence of declining populations.

Following the August 30 notice, many States, non-governmental organizations and private individuals submitted comments to the ESSA. Based upon information submitted and management commitments by the States, the ESSA has for its part approved export of the three furbearing species from many additional States for 1977-78. In every case the States of origin have agreed to tag all pelts, and an export quota has been assigned based on past harvest and population estimates, summarized below in detail.

On November 7, the ESSA extended the deadline on export of pelt and root inventories from October 31 to November 30 (42 FR 58019). Export of these inventories was authorized after November 30 only if evidence submitted by applicants leaves no reasonable doubt that the furs or roots were harvested before that date. Because the harvest of wild American ginseng essentially had ceased before November 30, findings required of the ESSA will have little or no impact on export of roots dug in 1977. No further modifications of the ESSA's findings have been made and discussion of comments received will be reserved for subsequent notice in preparation for the 1978 collecting season.

A workshop on the bobcat, lynx, and river otter was held in New Orleans from January 23-25. The working group was selected by the Executive Secretary of the ESSA, and consisted of 12 professional biologists under the chairmanship of Dr. L. David Mech of the U.S. Fish and Wildlife Service. The group's mandate was to determine as specifically as possible the biological information and management programs needed to ensure that harvests of the three species will not be detrimental to their survival or to the maintenance of the species' normal roles in the environment.

Several representatives of State wildlife agencies, conservation organizations, and user groups participated in a day-long discussion of a draft report on the third day of the meeting. They were asked to submit comments in writing for incorporation into a final report, which is scheduled for completion by April 1. The report will be published by the National Science Foundation, and will be available to the public from the Office of the Executive Secretary of the ESSA.

On February 8, 1978, the State of Louisiana and several private parties filed litigation in the Federal District Court for the Eastern District of Louisiana. The plaintiffs in that case are seeking, inter alia, an injunction against impediments to the exportation of bobcat and river otter lawfully taken in Louisiana as well as a declaration that the listing of bobcat and river otter is unlawful.

The ESSA is currently communicating with the International Association of Fish and Wildlife Agencies, Defenders of Wildlife, and other interested parties, about modification of its procedures to allow greater public participation in ESSA decisions. The goal of this increased public participation is to avoid after-the-fact confrontations by assuring that all interested parties have the opportunity to be heard before a decision is reached. As a part of these discussions, the MA and the ESSA are evaluating their respective roles under the Convention and ways to coordinate the actions taken by these two entities.

Summary of Comments

The ESSA has recieved 711 comments from non-governmental associations and individuals and comments from 47 State wildlife agencies expressly or implicitly pertaining to its notice of August 30.

The most frequent comment urged the ESSA not to authorize export of bobcat pelts, but gave no basis for the request other than a general objection to commercialization of the species. Unlike provisions for species on Appendix I of the Convention, however, commercial trade in Appendix II species is authorized by the Convention so long as the ESSA can determine that export will not be detrimental to the survival of the species. Several comments objected in more detail to ESSA approval of river otter exports as stated in the August 30 notice or to exports of bobcat pelts authorized subsequent to the notice. The comments generally argue that the data are inadequate for a finding that export will not be detrimental to survival, that certain factors indicate adverse impact of harvest, and that detailed and statistically exact determinations should be made before export is authorized. The ESSA is sensitive to arguments that better information is called for. We anticipate and are seeking improvement in the data base for these species. However, we are satisfied that export consistent with the findings detailed below will not be detrimental to these species survival. It should be noted that the ESSA's finding is limited to the 1977-78 season, and that we anticipate improvement in the data base in forthcoming years.

Many comments, largely from trappers, stated that these species were holding their own or had become more abundant in recent years. These comments have weight because they are based on personal field observations of those commenting, but they are almost entirely subjective and thereofore have somewhat limited value to the ESSA.

The most substantial comments come form the State fish and wildlife agencies. Fortyseven agencies commented. Nearly all indicated that existing State authority was adequate to conserve any of these species occurring in the State. Only Wyoming indicated, for the bobcat, that current harvest was detrimental to the species in the State. Several other States indicated past adverse impact, but stated that recent management initiatives had reversed negative trends, or were expected to do so. Many States submitted lengthy summaries of biological data and management controls.

The basic information submitted is summarized in the tables below. Many States protested the legal authority of the ESSA to proceed as it had. Few States mentioned specific legal claims, but generally made reference to a comment submitted by the International Association of Fish and Wildlife Agencies.

Specific legal issues. Specific legal issues were raised in comments by the International Association of Fish and Wildlife Agencies (Association), the law firm of Cramer, Haber and Becker, representing the Fur Conservation Institute of America, and the Defenders of Wildlife.

The Association asserts that the bobcat, lynx and river otter were added to Appendix II of the Convention solely for monitoring purposes. The Association concludes, therefore, that ESSA negative findings on the question of whether export would be detrimental to the survival of those species, which has the effect of restricting foreign trade, is unlawful.

Article IV of the Convention contains regulations for trade in species listed on Appendix II. In order for a specimen of such a species to be exported, the Scientific Authority must advise the Management Authority that export will not be detrimental to the survival of the species. Paragraph 3 of Article IV directs the Scientific Authority to "monitor both the export permits granted by that state for specimens of species included in Appendix II and the actual export of such specimens." There is no differentiation between species listed on Appendix II "solely for monitoring" and species otherwise listed. The requirements for export do not vary. Therefore the possibility that a species was added to Appendix II for monitoring purposes does not alter the Scientific Authority's responsibility under the Convention. The monitoring duty imposed upon the Scientific Authority by Article IV is phrased in terms of monitoring both the export permits and the actual export of specimens of a particular species. The monitoring duty presupposes the issuance of export permits based upon a Scientific Authority finding that such export will not be detrimental to the survival of the species. Thus, even if the bobcat, river otter and lynx were listed on Appendix II solely for monitoring purposes, the inability of the ESSA to find that export would not be detrimental to the survival of the species, which indirectly restricts trade, is still lawful.

The Association further asserts that the bobcat, lynx and river otter were added to Appendix II without any showing that these species are likely to become threatened with extinction. Thus the Association concludes that these three species were unlawfully added to Appendix II.

The assertion that the bobcat, lynx, and river otter were unlawfully added to Appendix II of the Convention is a serious allegation which warrants careful consideration by all parties to the Convention. In its comments, the Association alludes to an agreement by the parties to the Convention reached during the Special Working Session held October 17-28, 1977, to conduct an immediate comprehensive review of the integrity of the Appendices. This is the proper means of remedying any listing of a species on one of the Appendices without the requisite biological justification. At the present time, however, the parties to the Convention have agreed to list the bobcat, lynx, and river otter on Appendix II. The ESSA cannot unilaterally determine that these species were improperly listed and proceed as if the species were not listed on Appendix II. Such action would violate the cooperative spirit of the Convention as a tool for protection of species threatened with extinction because of trade.

Another comment by the Association asserts that the ESSA's responsibilities under Article IV of the Convention only require a determination relating to the survival of a listed species and that the focus of the inquiry must be geographically separate populations of a species. The Association objects to what it sees as an attempt by the ESSA to make States of the Union "control units" under the Convention.

The ESSA's responsibility for species listed on Appendix II is not limited to making a determination that export of specimens would not be detrimental to the survival of the species. Paragraph 3 of Article IV requires the Scientific Authority to monitor the status of Appendix II species "in order to maintain that species throughout its range at a level consistent with its role in the ecosystem in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I." Therefore, the ESSA cannot focus solely upon geographically separate populations of a species considered as a whole. If monitoring of an Appendix II species indicates that it is not being maintained throughout its range at the stated level, the Scientific Authority must recommend suitable measures to be taken to limit export permits for specimens of that species. The compatibility of the obligation to find export would not be detrimental to the survival of the species and the monitoring duty to insure the species is being maintained throughout its range at the stated level is a matter warranting further study.

The ESSA can fulfill its role under the Convention only if it has a cooperative working relationship with the States of the United States. The States have traditionally exercised authority over the control and management of wildlife within their borders. Therefore, the ESSA must rely on information and control that can only come on a State-by-State basis in making determinations as to whether the species is being adequately maintained throughout its range. The ESSA's reliance upon the States because of their traditional role in wildlife control and management is not inconsistent with the Convention.

The Association also asserts in its comments that the ESSA has invaded the province of the Management Authority by making a determination as to the extent trade in a particular species must be restricted in order to avoid detriment to the survival of the species. In the view of the Association, once the Scientific Authority determines that trade must be restricted it is for the Management Authority to determine which restrictive measures are needed.

In dealing with bobcat, lynx, and river otter, the ESSA has made a determination as to whether export would be detrimental to the survival of the species in a general manner, rather than on a case-by-case basis. In this context, the obligation to determine whether export will be detrimental to the survival of a species necessarily includes the authority to find that a certain level of export will not be detrimental to the species. Making that determination on a State-by-State basis, even though the focus is on the survival of the species, is proper given the State's traditional role in wildlife management. If the information is only available on a State-by-State basis, it is not unreasonable to make findings from that information on the same basis. The ESSA has not invaded the province of the Management Authority by finding that certain levels of export will not be detrimental to the survival of a particular species. However, since the distinction between management and scientific judgment on the status of species is often unclear, the ESSA will coordinate its actions closely with the Management Authority.

The Association alleges that the ESSA findings relating to bobcat, lynx, and river otter are invalid for failure to comply with the Administrative Procedure Act (APA). The Association observes that the ESSA findings will have the effect of making a previous course of conduct, the export of bobcat, lynx, and river otter, unlawful after November 1, 1977. Thus, the Association concludes the findings plainly constitute a rule within the meaning of 5 U.S.C. Section 551(4). The Association asserts this "rule" is invalid because the ESSA has failed to comply with the procedural requirements of 5 U.S.C. Section 553.

These allegations raise a significant and difficult legal question. However, the Association's analysis of the issue is not sufficiently detailed to support their conclusion.

The Administrative Procedure Act establishes a procedure that must be followed by all Federal agencies when they promulgate substantive rules. Generally, the procedure involves publication of the proposed rule in the FEDERAL REGISTER, the solicitation of public comments thereon, consideration of those comments by the agency and publication of the final rule ultimately adopted. The procedure is only required for promulgation of substantive rules; the statute specifically makes the procedure inapplicable to interpretative rules, general statements of policy, or rules of agency organization, procedure or practice. A rule is defined as "the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. . . ."

Insofar as the preliminary findings published on August 30, 1977, are intended to be the ESSA's determination as to whether export of bobcat, lynx or river otter would not be detrimental to the survival of those species, the publication is not a rule within the meaning of the APA. First, the future effect of the preliminary findings is uncertain. The publication states repeatedly that it constitutes only preliminary findings and that the ESSA hopes the notice will encourage the submission of additional substantive information which may be used to supplement or modify the preliminary findings.

Secondly, and more importantly, the preliminary findings are not "designed to implement, interpret, or prescribe law or policy." The policy of not allowing export of specimens of a particular species unless it is found that such export will not be detrimental to the survival of the species is established by the Convention. That policy was made the law of the United States when the President ratified the Convention with the advice and consent of the Senate. The ESSA's preliminary findings do not prescribe law, nor do they implement the law by providing the instruments or means to fulfill the stated policy. Therefore any finding made by the ESSA constitutes the administration, application or execution of law or policy that has already been prescribed and implemented.

The preliminary findings published by the ESSA do not represent the exercise of legislative power delegated by Congress. With respect to export permits, the ESSA is instructed to determine whether export of a particular specimen of a species would not be detrimental to the survival of that species. This is not a mandate to implement or prescribe law or policy by promulgation of rules having the force and effect of law. Rather, it is a directive to make an administrative decision, or to execute or apply the policy incorporated into the law of the United States by ratification of the Convention. Therefore, the preliminary findings published by the ESSA do not amount to a rule requiring compliance with the procedure of the APA.

Although the ESSA's preliminary findings are not legislative rules subject to the procedure of 5 U.S.C. Section 553, the question is a close one, and we are developing a procedure designed to allow greater public input into ESSA decisions.

The Association alleges that evidence presently available to ESSA shows that bobcat, lynx, and river otter have large continuous ranges in the United States, extending into Canada and Mexico, of such a nature that their survival as a species in the time period covered by the ESSA preliminary determination is unquestionably assured. The Association further alleges that where species exist in disjunct populations within the United States, State laws adequately prevent detriment to the survival of populations.

The comment of at least one State wildlife agency is expressly inconsistent with the Association's allegation. A report submitted to the ESSA by the Wyoming Department of Game and Fish presented data which "suggest that the species cannot support the trapping pressure exerted since 1973." Furthermore, the report states that as much as 60 percent of the bobcats in southeastern Wyoming may have been harvested in 1974 alone.

In addition it would be unwise and improper of the ESSA to consider each harvest season in isolation as implied by the Association's allegation. Each harvest season has a past and a future that the ESSA must properly consider in determining what, if any, restrictions on export are called for to ensure that export is not detrimental to the survival of the species. To do otherwise is not consistent with the basic function of Appendix II to maintain the species "throughout its range at a level consistent with its role in the ecosystem in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I. . . ." However, it should be noted that the ESSA has found the available data adequate to support ESSA approval of a substantial volume of bobcat exports.

The law firm of Cramer, Haber and Becker, Washington, D.C., representing the Fur Conservation Institute of America, also submitted comments having legal implications. Their letter specifically requested a public hearing concerning the status of bobcat, lynx, and river otter pursuant to 16 U.S.C. Section 1633(f)(2)(A). That statute is a part of the Endangered Species Act of 1973 which allows any person adversely affected by a regulation promulgated by the Secretary of the Interior pursuant to the Endangered Species Act to request a public hearing. However, the ESSA is not required by this statute to provide a public hearing. Although the ESSA was established pursuant to a grant of authority contained in the Endangered Species Act, the findings published on August 30, 1977, are not regulations promulgated by the Secretary of the Interior pursuant to the Act. Rather, the published findings represent the discharge of the ESSA's obligations under the Convention. The statute relied upon simply is inapplicable. However, the ESSA will not oppose public hearings if it determines that information generated at such a hearing would be useful.

The Fur Conservation Institute also notes that the ESSA's August 30 findings were compelled in some cases by a lack of evidence on the status of bobcat, lynx, and river otter. It suggests that the ESSA focus on ways to get relevant data and that adoption of a negative finding in the face of a lack of evidence is unlawful.

We agree that methods must be established to provide the ESSA with sufficient evidence to make determinations as to whether export of specimens will be detrimental to the survival of that species. The ESSA is currently developing procedures to be followed in the future to ensure maximum input. The ESSA has repeatedly requested comments on how such evidence can be obtained. However, when available information is incomplete, a negative finding by the ESSA is not unlawful. The Convention creates a presumption against trade and in favor of species that are listed on Appendix II. Export of an Appendix II species is only allowed if the Scientific Authority can advise the Management Authority that export of specimens of a particular species would not be detrimental to the survival of that species. The Convention does not restrict trade only when it can be found that trade would be detrimental to the survival of the species. Therefore, the ESSA's failure to advise that export would not be detrimental to the survival of the species, which indirectly restricts trade, because of a lack of evidence, is consistent with the Convention.

The Defenders of Wildlife submitted comments through the Law Offices of Bruce J. Terris. Their comments fundamentally allege that the APA requires notice and an additional comment period on amendments to ESSA findings made subsequent to August 30, 1977, before such modifications

take effect. The above discussion of analagous allegations by the International Association of Fish and Wildlife Agencies is responsive to this comment. However, the ESSA is not only giving notice of amended findings through this document, but it is proceeding to establish procedures for 1978–79 that will increase the opportunity for public participation in the ESSA's decisions.

ANALYSIS AND FINDINGS BY STATE

In evaluating state requests for export quotas of bobcat, lynx, and river otter, the ESSA used several types of information. Ideally, ESSA decisions on export would rest on complete information concerning population size and trends; habitat quality, quantity, and trends, and the true extent of hunting and trapping pressure on that population.

Such data are difficult to gather and are rarely complete, even for such well-studied game species as whitetailed or mule deer. The present species are elusive, and until recently the bobcat and lynx have been considered pest species for elimination rather than conservation. As a result of these factors, our information on these species is especially scanty. With increasing interest in these species, due to rising prices, to interest by conservation groups and, in some cases, to apparent population declines, many States have made their regulations for these species increasingly restrictive in recent years. In a few States, there has been increasing research interest in these species, but most has been too recent to provide a long-term data base.

Because of the variability in the information available as well as in the management schemes used by different States, the ESSA, for this year, was unable to use a single set of criteria in determining whether a given harvest level would not be "detrimental to the survival of the species". At one extreme, relatively detailed information may be available, and management can be "fine-tuned", including such things as different regulations for local management units within the State and a history of annual re-evaluation and adjustment of such regulations. At the other extreme, a State wildlife agency may have no authority to manage a given species and there may be no reliable quantitative data concerning that species' abundance or harvest within the State. In the first case, because of close monitoring and control by the State, drastic changes in the population status due to harvesting are unlikely, and it should be permissible to harvest closer to the potential production. In the second case, if qualitative data indicate a species to be widespread and relatively abundant, a limited harvest may be permissible, but until there are better data and control this harvest should be more conservative.

Such a limited harvest from an apparently abundant but poorly known population can be valuable to future conservation efforts, provided that there have been recent improvements in monitoring and data collection, such as tagging and specific research.

Tables. The following tables summarize by State information received for bobcats and river otters, and list export quotas for those States. (Lynx are treated separately for those States having an open season. In all other States, lynx either does not occur, is rare, or is protected.) Abbreviations are given to indicate the types of data used by States in determining past harvest levels and population status or size. These are described below for each category.

State classification. The type of management provided by a State wildlife agency is often defined by an official category to which each species is assigned. Because State definitions of the same word may differ, the labels here may not correspond exactly to that found in a State's regulations, but the intent has been retained (e.g. "Protected" is used by some States to indicate species which the agency has authority to regulate, while other States use the word to indicate a species for which there is no open season).

P=Protected: There is no open season for 1977-78. The species may be on a State list of endangered wildlife, or there may be a temporary moratorium.
X=Not present: The species may never have occured there, or may have been extirpated in historical times. 000
F=Furbearer: Taking is allowed under State control and pelts may be sold.
G=Game: Hunting is allowed under State control. In some, but not all States, this may include trapping and sale of pelts.
R=Regulated: The State wildlife game agency has authority to regulate taking. This may include furbearer and game as well as other classifications.
U=Unregulated: Authority to manage the species has not been granted to the State wildlife agency by its legislature.

Harvest. The harvest is given for the 1976–77 season, or, where specified, for the most recent season available. Averages for the most recent five years (or a similar period) are given to roughly suggest trends. Many States have recently changed reporting methods for harvests, with different degrees of reliability for each. As a result, trends in reported harvest may not reflect actual changes in kill. For example, when a State first starts a mandatory reporting system, compliance may be less complete in the first few years so that a constant harvest might appear on paper as an increasing one as reporting improves. Also, as prices rise, hunters may skin and sell pelts from a larger proportion of bobcats killed, instead of discarding the animals, thus obscuring trends in the kill rate. Shifting predator control practices can also affect apparent trends. Removal of bounties, besides reducing kill rates, can also reduce the reporting rate for kills that occur. Recent emphasis on removal of specific problem animals should reduce the kill rate, but may also reduce the reporting rate for nontarget animals killed in control programs for other species.

Data presented here, where different from that in the Preliminary Findings (42 FR 43730-43767, August 30, 1977), include more recent information received from State wildlife agencies and other sources. The types of data used by State agencies in assessing harvest are as follows:

TR=Trapper Report: Mandatory report by trapper of each kill. In most cases this includes tagging of the pelt by a State official. This is generally considered the most reliable measure of harvest.
HR=Hunter Report: Mandatory report by hunter (as for trapper). In a number of States a substantial kill by hunters has gone unreported because reporting was only required for those animals being sold as pelts.
DR=Dealer Report: Mandatory report by fur-dealers in State of all furs bought and sold. Such reports may be misleading when no distinction is made for skins originating in one State and sold in another. Multiple sales of the same pelt can also reduce accuracy of this method.
TS=Trapper Survey; *HS*=Hunter Survey; *DS*=Dealer Survey: Voluntary survey or reports from a sample of trappers, hunters, or fur-dealers. Results of these are commonly extrapolated, with a wide range of reliability, depending on attention to statistical limitations.
P=Partial: Indicates the reported harvests are considered incomplete by the State agency.
ADJ=Adjusted: Indicates State agency has estimated total from partial records.
BR=Bounty Records: Although no State currently pays a bounty on bobcats, many have dropped it recently, and five-year harvest records for many include data from bounties paid.
ADC=Animal Damage Control: Includes reports of animals taken under the Animal Damage Control Program, U.S. Fish and Wildlife Service.

State population. These three species are difficult to census accurately, and a variety of methods have been used to estimate numbers and population trends.

Some State wildlife agencies have made no attempt to estimate actual numbers, but used various other methods to assess status and trends in the populations.

Most estimates of total numbers were derived from the products of estimated densities and estimated areas of available habitat. The qualities of these estimates depend on how carefully habitat has been inventoried as well as on accuracy of density esti-

mates, including reliability of methods used and adjustments for current local conditions. Because populations are not static, and normal reproduction and mortality for each species can cause as much as an annual doubling and subsequent halving of the population, even the most carefully derived figures are only suggestive.

The kinds of information on which population estimates and status were based include:

DHS=Detailed Habitat Survey; *GHS*=General Habitat Survey: Some State agencies have land use and/or habitat data which identify small units and differentiate between many types. At the other extreme are estimates of the percentage of the entire State in woodland or some other habitat type.

ISD=In-State Density:

OSD=Out-of-State Density: A State wildlife agency may be able to base its density estimates on studies actually carried out within that State. In most cases, however, no such studies have been done, so density estimates made elsewhere must be used. Such usage is only as reliable as the similarity of habitat and other factors in the two areas.

MR=Mark-recapture: Animals are live-trapped, individually marked (as with a numbered ear tag), released, and subsequently recaptured, often repeatedly. This technique is widely used for many species and can provide data on home range and density. Analysis of such data must take into account questions of over-lapping home ranges, transient individuals, and turnover of residents.

TC=Track Counts: By counting the frequency of various kind of animal sign (tracks, scat, otter slides, etc.) along a transect (a given length of road, trail, or stream), an abundance index can be developed. These indices can be compared between areas and years to give relative abundance, or may be correlated with other methods to estimate absolute density or abundance.

SS=Scent Stations: A series of "stations" are set out with an attractive odorous material, each surrounded by raked sand or other material which takes tracks well. By counting numbers of visits, an abundance index can be developed, as for track counts above. This technique is useful for canids, but its reliability is undetermined for bobcats and lynx, which hunt mostly by sight and hearing.

RM=Removal trapping: By removing all trappable individuals of a species from a defined area, an abundance index can be obtained. Use of this technique for density estimates must be cautious because of over-lapping home ranges, transient individuals, and replacement of residents which have been removed. Taken alone, long-term removal trapping will over-estimate the population.

RD=Radio-tracking: The recent use of lightweight radios has greatly improved data collection from secretive species. Radio-tracking can provide considerably more accurate data for home ranges and habitat use in local areas, although the expense and time involved may make it impractical for statewide surveys.

AS=Age Structure: By aging a large sample of animals (layers seen in tooth cross-sections are often used), the proportions of different age-classes in the population can be determined. Age structure provides information on production and survival of young, and longevity of adults. Taken with other data, these can be useful indicators of population status and trends.

MM=Mathematical Models: By mathematically combining data from a variety of sources, models may provide a more objective way to predict the effect of harvest and other mortality factors on a population, as well as estimating the size of a population from which a given harvest has come. Such models are in an early development stage now, and should improve as their predictions are tested against future results. Quality of a model depends on its data base. Most models start with information on age structure, reproductive rates (often from placental scars, embryos, or corpora lutea in carcasses collected from trappers), population size, and harvest rates.

SP=Survey of Prey species: Especially in bobcats and lynx, the survival of kittens depends on the abundance of food (snowshoe hares or other lagomorphs usually). When there is an abundant prey population, recruitment to the cat populations should also be high. If there are few hares or rabbits, young survival may drop to zero.

HTS=Hunter/Trapper Survey: State wildlife agencies may contact hunters or trappers for evaluations of trend and abundance for various species. As in any survey, extrapolation should be cautious.

CP=Consensus of Personnel in State game agency: State biologists and game agents spend considerable time in the field. Although they may not be directly studying the present species, in most States they are a considerable body of trained people present in the major game habitats of that State. Some State agencies have formalized survey techniques, including methods for weighting judgments by the experience of the person. Other State agencies have simply indicated that appropriate people have been contacted.

CS=County-by-county Survey: Abundance and trend estimates have been made in county or similar sized units. In most cases these are useful in indicating how widespread a species is within the State.

Quotas. Export quotas listed here represent the maximum number of pelts of that species which legally may enter foreign commerce from that State for the 1977-78 trapping season. As described above, no single formula could be used, except that, in the best professional judgment of the ESSA, the export would not be detrimental to the survival of the species, as mandated by the Convention. Quotas proposed by States were examined closely by the ESSA, in the light of submitted data and of management regimes. In a few cases, where data did not support the proposed quotas, more conservative ones were set, in consultation with those States. In all cases where a quota has been established, except for river otter from Maryland, Massachusetts and Michigan, the State wildlife agency has agreed to issue only that number of tags, each numbered and identified by State of origin. In the Preliminary Findings (42 FR 43730-43767, August 30, 1977), certain States were assigned quotas for river otters. Many of these have been superseded on the basis of new information. For those which have not been changed, the original quota stands, and these are indicated by an asterisk (*) in the tables. Not all States have been assigned quotas, and these are indicated by symbols:

P=Protected; *X*=Not Present: As in State classification column. Assignment of a quota to these States for the current season would be inconsistent with State conditions.

NS=None Set: No quota has been assigned for that State. Quotas may be assigned subsequent to this notice, provided that additional information or management initiatives are forthcoming.

Remarks. Unless otherwise noted, all States with a quota have a closed season for part of the year, and require tags to be applied by State officials. Many States have started collecting, often in conjunction with tagging, data on trapped animals, including analysis of teeth, reproductive tracts, or whole carcasses.

Important protection to a species is often given where large parts of a State are either closed legally (area closures, parks, military reservations, etc.) or are inaccessible (e.g. wilderness areas). These can provide population reservoirs, as a buffer against over-exploitation. Additional conservative measures taken by States include shorter seasons, bag limits, and limitations on types of traps, baits, or other aspects of taking methods. Many southeastern States pointed out that beaver populations have been increasing to the point where their impoundments have become a nuisance. Otters have apparently been increasing there in response to the increased habitat created by beavers, and are frequently trapped in attempts to control beaver populations.

BOBCAT

State	Harvest				State population				
	State classification	Number last year	How determined	5-yr average	Size	Status	How determined	Quota	Comments
Alabama	R	3,951	DR	4-yr 2,876	60–110,000	Habitat excellent, pressure decreasing.	RD, ISD, GHS, CP.	4,000	Mandatory trapper reporting starts this season.
Alaska	X							X	
Arizona	R	7,344	TS, ADC		45,000	Normally fluctuates	ISD, OSD, GHS, SP, CP.	8,000	Indian reservations not subject to State regulations.
Arkansas	R	2,733	DS	910	37,000	Stable, abundant	CS, CP, GHS	NS	Much closed or inaccessible land; to collect carcasses.
California	R	11,903–13,703	TR, HS			Widespread, abundant	ISD, GHS, DHS, RD, SS, CP, HTS.	6,000	Much closed land; considerable ongoing and planned research.
Colorado	R	3,044	TS, HS	3-yr 3,107	41,850	Stable	GHS, CP, CS, ISD, SP.	4,000	Much inacceaaible land.
Connecticut	P							P	
Delaware	XP							X	
Florida	R	13,439	TS, DS, HS, ADJ			Abundant, widespread	CS, CP, GHS	3,500	
Georgia	R	2,577	DS, TR(P)		49,210	Not endangered or threatened	CP, GHS	4,000	High unreported harvest (not included here).
Hawaii	X							X	
Idaho	F	964	TR, TS, ADC.	859	9,000	Decreased, not endangered	CP, GHS, ISD, CS, HTS.	1,475	Much inaccessible habitat; Unreported kill may equal reported harvest; status survey in progress.
Illinois	P							P	
Indiana	P							P	
Iowa	P							P	
Kansas	F	1,650	TS, DS	4-yr 984	10–12,000	Not endangered or threatened	CS, CP, GHS, ISD.	NS	To start surveys.
Kentucky	P							P	
Louisiana	F	2,997	DS	1,295	33,459	Stable or increasing	CP, CS, RD, AS.	4,000	Research in progress.
Maine	R	436	TR, BR, TS	20-yr 708	2,543	Below optimum; local overharvest.	CS, CP, DHS, OSD, HTS.	500	Detailed management plan, 1975; season to be closed when 500 taken.
Maryland	P					Only a few in State		P	Survey starting.
Massachusetts.	G	14	TR, HR, DR	11	800–1,000	Stable	HTS, IDS, CP, DHS, RD, OSD, BR.	50	Will close season if 50 taken; no land trapping with leghold or conibear traps; season shortened.
Michigan	F	341	TR	308		Infrequent, but not endangered or threatened.	CP, HTS, BR, SP.	NS	Southern 3d of State closed; data recorded from harvested animals.

BOBCAT—Continued

State	Harvest				State population				
	State classification	Number last year	How determined	5-yr average	Size	Status	How determined	Quota	Comments
Minnesota	G	(1975) 175	TS	150		Cyclic	ISD, RD, SS, MR, PS, BR.	150	Bag limit of 5, combined with lynx; carcasses to be collected; much inaccessible habitat.
Mississippi	F	4,374	DS(P), ADJ.	1,772		Increasing	CP, CS	4,000	Prior to 1977 could be taken any time.
Missouri	P							P	
Montana	F	1,068	TS, ADC	1,745		Local declines	HTS, CP	1,070	Bag limit of 2, combined with lynx; new controls (1977) expected to reduce harvest.
Nebraska	R	758	DS(ADJ), TS.			Healthy	CP, HTS	400	No regulation by State agency prior to this year; to start a study.
Nevada	R	(1975) 1,345	TS	7-yr 1901	8,899–17,798	Increase in North and Central; Decrease in South.	OSD, GHS, CP, SP.	2,225	To close season when 2,000 harvested; teeth to be collected.
New Hampshire.	P							P	2-yr moratorium; anticipate opening season for 1979, and requiring carcass collection.
New Jersey	P							P	
New Mexico	U	5,207	TS, ADC	4-yr 3,549	13,107–49,135	Abundant	CS, CP, MM, GHS, OSD.	6,000	No closed season; voluntary tags available this year for export.
New York	G	(1973) 161	TS		966–1933 (open area only)	Stable	GHS, OSD, CP	225	Much of State closed; study in progress.
North Carolina.	R	1,101	DR, TS	745	8,000	do	GHS, OSD, CP, HTS.	800	
North Dakota	F	(1976) 75	TS	123		Not widespread	HTS, CP	165	State agency first given jurisdiction in March 1977; no closed season until this year.
Ohio	P							P	
Oklahoma	F	3,548	DR, ADC	1,744		Uncertain	TC, SP, CP	O	Studies initiated, season shortened; tagging initiated. No quota requested.

BOBCAT—Continued

State	Harvest				State population				
	State classification	Number last year	How determined	5-yr average	Size	Status	How determined	Quota	Comments
Oregon	F	4,002	TR, HS, ADC.	3,492		East—declining; West—plentiful	HTS, CP	3,000	Eastern half of State closed; formerly an unreported take estimated at 2,000 per year (included here); "Predator" status removed, 1977.
Pennsylvania	P							P	
Rhode Island	P				Small	Not common	CP	P	
South Carolina	G	1,368	DR, DS	654		Stable and possibly increasing	CS, CP	O	Not legal to sell pelts; much closed area.
South Dakota	F	418	DS, ADJ	2-yr 563	2,500–4,000	Decreasing	CP	500	Half of State closed this year; shortened season; carcass data collection started.
Tennessee	R	1,428	DS	3-yr 984	7–12,000	Increasing	CP, HTS, CS	1,000	Starting scent post census; improving harvest record system.
Texas	U	16,049	TS, DS, ADC.	10,849	115–278,000	"In no way endangered or threatened".	IDS, TC, RM, CS, CP.	10,000	Emergency regulations for tag issuance, January 1978.
Utah	P, U				7,872	Declining, expected to recover	CP, GHS, OSD, SP.	P	Season closed 1977–80 by Agriculture Damage Control Board.
Vermont	R	84	TR(P)	(1966–70) 188		May be subtle decline	CP	200	Tagging started 1978; 1977 season shortened.
Virginia	R	1,440	DR		12,000	Stable	GHS, OSD, CP	1,500	Mandatory tagging started this year.
Washington	G, F	6,050	TR, HS	5,933		Local overexploitation	AS, CP	6,000	Season shortened; started carcass collection, 1976–78.
West Virginia	R 443	(700-ADJ)	DR, DS	252	4,400	Not rare in suitable habitat	OSD, GHS, CP, CS.	500	Research started 1977; much closed or inaccessible land.
Wisconsin	F	(1975) 223	DS, TR, ADJ.	(1971–75) 213	1,500–2,000	Stable	CS, DHS, HTS, CP, TC.	300	Detailed 1975 status report.
Wyoming	U	4,737	DS, ADJ, ADC.	4,758	7–10,000	Excess trapping since 1973	OSD, DHS, MM, SS, CP, SP.	2,000	
Navajo Nation	G, F	113	TS	117		Stable	CP, SP, GHS	500	Not under jurisdiction of States containing reservation.

OTTER

State	Harvest				State population				
	State classification	Number last year	How determined	5-yr average	Size	Status	How determined	Quota	Comments
Alabama	F	1,072	DR	4-year 909		Expanding with beaver	CP, GHS	1,500	Taken incidental to beaver control; mandatory trapper report starts this year.
Alaska	F	2,700	TR, DR	2,384		"Pristine," "abundant"	ISD, CP, GHS	Open	Habitat excellent; low trapping pressure.
Arizona	P							P	
Arkansas	R	363	DS		6,900	Stable or possibly increasing	CS, CP, GHS	NS	Increasing habitat; to collect carcasses.
California	P							P	
Colorada	P, X							P	
Connecticut	F	61 (ADJ)	TR, ADJ	99.7		Increasing	HTS, GHS	100	Data extrapolated from reports for State land.
Delaware	G	56 (ADJ)	TS, DS	3/yr 61.3		Recovered from low in 1960's; stable.	CP, HTS	60	Low trapping pressure reported.
Florida	R	11,532	TS, DS, ADJ			Abundant, widespread	CS, CP, GHS	6,000	
Georgia	R	3,187	DS, TR(P)			Expanding, common	CP, GHS	4,000	High unreported harvest.
Hawaii	X							X	
Idaho	P					Strong, viable population	CS, CP, GHS, SP, TC, RD.	P	Much inaccessible habitat; closure considered biologically unnecessary by State agency.
Illinois	P							P	
Indiana	P, X							P	
Iowa	R				Very small	Rare	CP	O	Taken rarely; may protect.
Kansas	P							P	
Kentucky	P, X							P	
Louisiana	F	11,900	DS	7,481	30-60,000	Increasing, highest level in 30 years.	GHS, CP, TC	7,500	Many closed and controlled areas; 5-yr research project in progress.
Maine	R	898	TR, TS	7-yr 725	5,258	Local overharvest	CS, CP, DHS, OSD, HTS.	600	Detailed management plan, 1975; season to be closed when 600 taken; local closures.
Maryland	R	181	TR, DR	173		Relatively stable	CS, DHS, HTS, TC.	*165	Research in progress.
Massachusetts.	R	110	TR, DR	83		Stable	CS, HTS, CP	*68	Carcass collection started.
Michigan	F	910	TR	809		Locally abundant, increasing	DHS, HTS, CP, CS.	*551	Selective closures.

OTTER—Continued

State	Harvest				State population				
	State classification	Number last year	How determined	5-yr average	Size	Status	How determined	Quota	Comments
Minnesota	R	(1976) 2,664	TS	10-yr 697	2,150	Common, stable, range increasing.	OSD, CS, CP	700	Bag limit of 3; closed last year only with beaver closure; southern half of State closed; season and open areas adjusted annually.
Mississippi	F	324	DS(P)	4-yr 148		Increasing	CP, CS	350	Improved habitat with increasing beaver.
Missouri	P							P	
Montana	F	48	TS	40		Stable	CP, HTS	36	Bag limit of 1; new tagging required.
Nebraska	P, X							P	
Nevada	R		No data		500	(?)	CP	O	No information received since Aug. 30 FR publication.
New Hampshire	F	205	TR, DS	190		Increasing	CP, GHS, HTS	200	Expanding with increase in beaver population.
New Jersey	P							P	
New Mexico	P							P	
New York	F	633	TR	496	1468+(minimum)	Stable	AS, MM, CP	700	Carcass collection; research in progress; much of State closed; population estimate represents only the minimum from which harvest could have come.
North Carolina	R	1,390	DR, TS	947		Stable	HTS	1,200	Only eastern third of State open; no new data received since Aug. 30 FR publication; take relatively consistent since 1961.
North Dakota	X							X	
Ohio	P							P	
Oklahoma	P							P	
Oregon	R	435	TR	335		Doing well	CP, HTS	335	No new population data received since Aug. 30 FR publication.
Pennsylvania	P							P	
Rhode Island	R	34	TR			"Very viable"	CP	15	Season closed, 1970-75.
South Carolina	G, F	1,351	TR	4-yr 840		Under study	CS	650	Much closed area; to collect carcass data.

OTTER—Continued

State	Harvest				State population				
	State classification	Number last year	How determined	5-yr average	Size	Status	How determined	Quota	Comments
South Dakota	P					No recent records	CP	P	
Tennessee	P							P	
Texas	F	145	TS, DS	48	2,183	Locally "apparently abundant"; increasing.	OSD, GHS, CP	O	Season closed 1927–50; 3-yr study started, September 1977; no export tags will be issued until study completed.
Utah	P							P	
Vermont	R	45	TR	28		Increasing	CP	50	Tagging started, 1973.
Virginia	R	776	TR	4-yr 616		do	CP	585	
Washington	F	1,290	TR	767		Increasing	CP	770	Eastern half of State closed since 1968.
West Virginia	P, X							P	
Wisconsin	F	(1975) 853	TR	(1971–75) 1,155.		Stable; range expanding	CS, HTS, CP	1,200	Detailed status report, 1974.
Wyoming	P							P	
Navajo Nation.	X							X	Protected in all 3 States which contain reservation.

LYNX

Because only five States have open seasons for lynx, a summary of information for those States is presented here, rather than a complete table. Lynx are a classic "cyclic" species, showing tremendous changes in population size every ten years or so. Because of these cycles, estimates of statewide population numbers would have questionable value, and no State attempted it. In the conterminous 48 States, only those western or midwestern States which border Canada (plus Wyoming) have appreciable lynx populations. Although these States have breeding populations, many also find large numbers of apparent immigrant lynx from Canada in high-population years.

The following States protect lynx, although not all have resident populations: Colorado, Connecticut, Maine, Michigan, New Hampshire, Utah, Vermont, Wisconsin, and Wyoming.

The following States have a limited open season for lynx, tag all pelts, and have other restrictive regulations:

Alaska: There is extensive undisturbed habitat. Trapping is highly localized, and much of the State is not trapped at all. Trapping pressure is considered decreasing because the human population has become more centralized, and fewer people rely on trapping as their sole income. Population cycles are pronounced, with extremely high numbers in the peak years. Quota: open.

Idaho: There is breeding population, mostly in inaccessible areas north of the Salmon River. Only small numbers are taken, and the one-month season coincides with that for bobcats. A status study is currently in progress for lynx and bobcat. Quota: 25.

Minnesota: There is a small breeding population in the northern part of the State. In high years, large numbers apparently come from Canada, the distribution expands considerably and many more lynx are taken. The two-month season and bag limit of five are combined with that for bobcats. Harvest records vary with the cyclic populations (10-year average: 122; range 25–500). Quota: 25.

Montana: Lynx have apparently increased in Montana in recent decades, with the major breeding population in inaccessible northern areas. As elsewhere, the population is cyclic. Three-month season and bag limit of two are combined with those for bobcats. Quota: 200.

Washington: Because most of Washington's lynx population is in park or wilderness areas, there has been little trapping pressure on it. Last year, reduced snowfall and higher prices raised the harvest to 100 (five-year average: 38). Quota: 35.

Publication of these summary findings has been approved unanimously by the members of the Endangered Species Scientific Authority.

Dated: March 9, 1978.

WILLIAM Y. BROWN,
Executive Secretary, Endangered Species Scientific Authority.

[FR Doc. 78-6582 Filed 3-15-78; 8:45 am]

federal register

THURSDAY, MARCH 16, 1978
PART III

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

Export Findings for 1978–1979

■

Procedures for Public Participation

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

EXPORT FINDINGS FOR 1978–79

Procedures for Public Participation

AGENCY: Endangered Species Scientific Authority

ACTION: Notice.

SUMMARY: This notice states procedures to be followed in 1978–79 for public participation in decisions of the Endangered Species Scientific Authority concerning commercial export of bobcat, lynx, river otter, and American ginseng.

ADDRESS: Comments should be addressed to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT:

Dr. William Y. Brown, Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, DC 20240 (202/343-5687).

BACKGROUND: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) and its implementing regulations, 50 CFR Part 23, control international trade in animal and plant species included in each of three Appendices, listed in § 23.23. The Convention Appendices are distinct from the list of species issued under the Endangered Species Act of 1973, 16 U.S.C. 1531–1543. Whereas listings under the Act include species endangered by any factor, species on the Convention Appendices must be actually or potentially endangered by international trade. Appendix II includes generally those species not necessarily now threatened with extinction, but which may become so unless trade in them is subject to strict regulation. In addition, Appendix II may include species similar in appearance to those species included because of biological jeopardy.

The bobcat (*Lynx rufus*), Lynx (*Lynx canadensis*), and river otter (*Lutra canadensis*) were included in Appendix II effective February 4, 1977. American ginseng (*Panax quinquefolius*) was included when the Convention became effective on July 1, 1975. The animals were included along with the entire family Felidae and subfamily Lutrinae.

The Federal Wildlife Permit Office of the U.S. Fish and Wildlife Service serves as the U.S. Management Authority (MA) for the Convention. Before the MA can issue permits for foreign export of Appendix II species taken from the wild, the MA must be satisfied that specimens were not taken in violation of State law and in addition the Endangered Species Scientific Authority (ESSA) must advise the MA that the export will not be detrimental to the survival of the species (Convention, Article IV 2).

The ESSA has established in its Interim Charter the following general criteria for determining whether an export will not be detrimental to the survival of a species:

1. Whether similar export . . . has occurred in the past, and has not reduced the numbers or distribution of the species, nor caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystem.

2. Whether life history parameters of the species and the structure and function of its ecosystem indicate that the present frequency of export . . . will not appreciably reduce the numbers or distribution of the species, nor cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystem.

3. Whether such export . . . is expected to increase, decrease, or remain constant in frequency. (ESSA Interim Charter, Article IV. C., 42 FR 35801)

Through several steps summarized in a notice of March 16, 1978, (Part II of this issue), the ESSA has evaluated the status of the bobcat, lynx, river otter, and American ginseng in each State, making findings and establishing conditions concerning detriment to survival.

The ESSA must now proceed to establish findings on these species for the 1978–79 season. Several interested organizations, including the International Association of Fish and Wildlife Agencies and the Defenders of Wildlife, have indicated their desire for the ESSA to establish its findings on export through rulemaking procedures under the Administrative Procedure Act (5 U.S.C. 551 et seq.). Although the ESSA does not consider itself bound to the rulemaking requirements of this law, the ESSA appreciates the need for maximum public input and for certainty in ESSA's general findings on export permit applications. Furthermore, rulemaking procedures would appear reasonably well-suited to export determinations for these species. Consequently, the ESSA is willing to embrace a rulemaking procedure for 1978–79 as described below. In addition, the ESSA is developing more general procedures to use on a permanent basis, and these procedures will be proposed in the near future.

The procedures below, with dates approximate, will be followed for ESSA findings on these species in the 1978–79 season:

APRIL 10

The ESSA will give notice in the FEDERAL REGISTER of the types of biological data, harvest or export information, and any other information the ESSA will need in order to find in favor of exports of the bobcat, lynx, river otter, and American ginseng. Copies of this notice will be sent to State fish and wildlife agencies and other interested parties. Thirty days will be provided for comment.

MAY 1

A hearing will be held by the ESSA on the information needed to satisfy the ESSA that export will not be detrimental to the survival of subject species.

JULY 7

The ESSA will publish proposed findings for the 1978–79 season, with a thirty day comment period.

SEPTEMBER 1

The ESSA will publish final findings for the 1978–79 season.

Dated: March 9, 1978.

WILLIAM Y. BROWN,
Executive Secretary Endangered Species Scientific Authority.

[FR Doc. 78-6583 Filed 3-15-78; 8:45 am]

federal register

THURSDAY, MARCH 16, 1978
PART IV



DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

■

Five Year Plan for Motor Vehicle Safety and Fuel Economy Rulemaking

Invitation for Applications for Financial Assistance

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Chapter V]

[Docket No. 78-07; Notice 1]

FIVE YEAR PLAN FOR MOTOR VEHICLE SAFETY AND FUEL ECONOMY RULEMAKING AND INVITATION FOR APPLICATIONS FOR FINANCIAL ASSISTANCE

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

ACTION: Request for public comment and invitation for applications for financial assistance in the preparation of such comments.

SUMMARY: This notice invites public comment on a draft plan for the motor vehicle safety and fuel economy rulemaking of the National Highway Traffic Safety Administration (NHTSA) over the next five years. The plan briefly describes the criteria used to establish the proposed rulemaking priorities and each planned rulemaking action. Also discussed is a variety of rulemaking actions that the agency is contemplating terminating or deferring. At the outset it should be emphasized that this plan will be updated periodically in response to the dynamic environment in which rulemaking must take place. Publication of the draft rulemaking plan will provide the vehicle manufacturers and other members of the public an opportunity to participate early in the agency rulemaking process. It will also put the manufacturers on notice by providing them with indications of the direction that the motor vehicle safety and fuel economy rulemaking programs will be following in advance of the formal initiation of rulemaking.

DATES: Comments due on June 14, 1978. Applications for financial assistance to aid in the preparation of comments on this notice must be received on or before April 10, 1978.

ADDRESSES: Comments should refer to the docket number and must be submitted (preferably in ten copies) in writing to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. Submissions containing information for which confidential treatment is requested should be submitted (preferably in three copies) to: Chief Counsel, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590, and seven additional copies from which the purportedly confidential information has been deleted should be sent to the Docket Section. Applications for financial assistance should be submitted to Ms. Jeanette Feldman, Public and Consumer Affairs, National Highway Traffic Safety Administration, Room 5232, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Delahanty, Chief, Special Projects Planning Staff, Plans and Programs, National Highway Traffic Safety Administration, Room 5212, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1570.

SUPPLEMENTARY INFORMATION: NHTSA invites all qualified individuals and organizations financially unable to participate in this proceeding to apply for financial assistance. All applications submitted before the deadline specified at the beginning of this notice will be examined by an evaluation board, composed of NHTSA and Department of Transportation officials, to determine whether each applicant is eligible to receive funding. Consideration of late applications is at the discretion of the evaluation board.

In general, an applicant is eligible if (1) it represents an interest whose representation can reasonably be expected to contribute to a full and fair determination of the issues in the proceeding, (2) its participation is reasonably necessary to represent that interest, (3) it can competently represent that interest, and (4) it lacks sufficient resources to participate in the absence of such assistance. If more than one applicant representing the same or similar interest is deemed eligible, the board will either select the applicant which can make the strongest presentation or select more than one applicant if the eligible applicants seek to represent significantly different points of view or proposals. Compensation is available only for reasonable out-of-pocket expenses necessary to the applicant's participation, to the extent the agency's budget for this purpose will permit. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim.

Each applicant should specify in its application which rulemaking actions and issues it proposes to address if its application for funding is approved, and the nature of its proposed work product. Applicants must submit as part of their application all information required by section 5 of the financial assistance regulations which governed the operation of the Department's public participation regulations (42 FR 2864; January 13, 1977). Failure to submit the required information may result in delays in evaluation and possible disqualification of the application. Interested persons are invited to submit written comments on all aspects of this proposal. In view of the number and breadth of issues in this notice, the agency has determined that the 15-page limitation in 49 CFR 553.21 (November 14, 1977; 42 FR 58949) on rulemaking should not apply to this notice. Instead, a limit of 30 pages for comments on this notice is adopted. Additional supporting material may be submitted as appendices or attachments. Comments should refer to Docket Number 78-0 and be submitted to the Docket Section at the address provided at the beginning of this notice.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the Docket Section at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the issuance of a NHTSA rulemaking plan may occur at any time after that date, and comments received after the closing date and too late to be considered will be treated as suggestions for future changes in the plan. Since changes will be reflected by periodically updating the plan in response to revisions required by a changing environment.

The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

The program official and lawyer principally responsible for the development of this draft plan are Joseph Delahanty and Stephen Wood, respectively.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002) secs. 103, 112, 119, 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1423); delegation of authority at 49 CFR 1.50.)

Issued on March 10, 1978.

JOAN CLAYBROOK,
Administrator.

FIVE YEAR PLAN FOR MOTOR VEHICLE SAFETY AND FUEL ECONOMY RULEMAKING

This is NHTSA's draft plan for motor vehicle safety and fuel economy rulemaking for the next 5 years. The objectives of the plan are two-fold.

(1) First, to provide a working document for use within NHTSA for the development and issuance of motor vehicle safety and fuel economy standards.

(2) Second, to provide the public with information on proposed future activities, encourage comments and reactions at the early stages of rulemak-

ing development, and permit the industry to anticipate potential requirements in its long-range planning.

The plan is presented in two sections. Section I briefly describes the tentative rulemaking goals and priorities and identifies those areas where significant rulemaking is not expected to take place.

Section II presents a rulemaking schedule showing the anticipated dates for issuance of notices and final rules and a rough estimate of the anticipated effective dates. Also included are those pending rulemaking actions which NHTSA contemplates terminating.

An Appendix describes in more detail the individual motor vehicle safety rulemaking actions. Interested persons may obtain copies of the Appendix free of charge by contacting Ms. Eleanor Kitts, Office of Management Services, National Highway Traffic Safety Administration, Room 4423, 400 Seventh Street SW., Washington, D.C. 20590, 202 426-1874. Included in the Appendix is a discussion of the harm that a regulation is designed to ameliorate, the approach to be used in developing and issuing the rule, and some of the major issues to be resolved in the development of the final rule. Fuel economy standards are described fully in the main body of the five-year plan and thus are not included in the Appendix.

This plan is intended to be a dynamic document. It is expected to be updated and amended in response to technological innovations, changes in resource availability, new crash injury findings, persistent safety hazards or other pertinent information. It is a realistic expression of the agency's intent which will serve as a guide and prod to the government's performance. It contains specific goals and timetables against which the agency's rulemaking progress can be judged.

This plan for improving vehicle safety and fuel economy is also the result of a careful assessment of the capabilities of the agency. In the process of assigning priorities to motor vehicle safety programs, a significant number of proposed rules have been identified as candidates for termination or deferral. The contemplated terminations or deferrals are made with full recognition that most if not all of the affected rules would result in positive safety benefits. Even with these significant reductions, the plan will fully use all of the funding and staffing resources NHTSA now has available. However, it is anticipated that with more efficient and effective management, the rulemaking program can be successfully implemented under this plan. The agency's resources will be concentrated in those areas where the greatest payoff lies rather than being disbursed over numerous projects with no defined completion dates.

SECTION I: RULEMAKING PRIORITIES

A. MOTOR VEHICLE SAFETY

Motor vehicle traffic crashes claim nearly 47,000 lives annually, or almost 130 lives every day of the year, the equivalent of a major airline disaster each day. This represents about one-half of the deaths due to all types of accidents in the United States. Motor vehicle crashes are by far the largest killer of young people between ages 1 to 24 and are the single largest cause of paraplegia. Fatalities are only a part of the problem. Approximately 2 million people suffer disabling injuries each year and millions more are injured less severely. The overall measurable loss to society is estimated to be more than $38 billion per year, a sum that does not begin to show the true magnitude of the cost of crashes since it is impossible to place a dollar value on life or to quantify the cost of pain and suffering. With the introduction of a greater number of lighter passenger cars, motor vehicle crashes may become an even more serious problem unless appropriate actions are taken.

Although substantial progress has been and is being made in motor vehicle safety, traffic crashes remain a serious public health problem and there is considerable work yet to be accomplished. The motor vehicle must be made more socially responsible in terms of both safety and energy efficiency. This motor vehicle rulemaking plan represents NHTSA's best effort to select rulemaking areas that will result in the greatest reduction of fatalities and injuries while at the same time continuing to conserve energy through the production of more fuel-efficient automobiles.

With the decision on automatic restraint systems, one of the most serious hazards confronting the motoring public—the danger associated with frontal crashes in passenger cars—is expected to be reduced significantly. When all passenger cars have been equipped with passive restraints, the agency anticipates a reduction in automobile fatalities approaching 20 percent or approximately 9,000 lives per year, assuming 75 percent compliance with air bags and 25 percent with passive belts.

The challenge now facing the Department is to address other areas and other vehicles where the promulgation of Federal motor vehicle safety standards would significantly enhance the safety of the public. In some areas this can be achieved very quickly. In others, the existence of a serious safety hazard, in and of itself, may not be a sufficient basis for preparing immediate rulemaking. There must also be a solution or reasonable chance of developing a solution to that problem. Where certain types of deaths and injuries are occurring, but solutions are not readily apparent, research is required. Even where solutions may be available, research may be necessary to identify the cause of the harm sufficiently so that an objective performance standard to ameliorate the injuries can be established. In other cases innovative suppliers have developed remedies which makes it possible for the agency to move quickly.

In setting motor vehicle safety rulemaking priorities, and in establishing the scope of the program, the NHTSA considered the following factors:

(1) Number of deaths and injuries.

(2) Availability of practical solutions.

(3) Research and engineering data on the problem.

(4) Anticipated costs to consumers and industry.

(5) Lifesaving potential of a safety standard.

For the near-term, there are a number of areas in which the NHTSA has been working for several years and where feasible solutions are readily available. While some of these areas may not result in a dramatic improvement in public safety, the costs are generally minor and the action can be easily taken. Therefore, they are included in the plan.

Additionally, there are a number of present standards where relatively minor changes can significantly improve their quality. Here, amendments would clarify compliance tests or modify the standard to reduce its cost to the public without any associated reduction in safety.

The plan classifies safety rulemaking activities into three categories: *rulemaking initiatives, technical amendments,* and *exploratory rulemaking.* Rulemaking initiatives include those areas in which research has advanced to the point where it is clear that rulemaking is a reasonable way to solve a fairly well-defined problem. Technical amendments include that class of projected rulemaking actions in which the principal focus is to clarify present standards or resolve a specific technical problem. In most cases, the cost of technical amendments will be negligible. The final class, exploratory rulemaking, covers those activities where research and engineering analyses have not yet reached the point where rulemaking can be definitively scheduled. Although a rulemaking schedule for this class is not included, it should be recognized that at such time as the necessary research and analysis is completed and rulemaking is shown to be warranted, an appropriate action will be initiated promptly. The NHTSA is devoting a significant amount of its resources to both research and engineering analysis for ex-

ploratory rulemaking, and expects this commitment to result in rulemaking during the next several years.

In developing priorities, it was apparent that in the past the agency has not focused its rulemaking capabilities. In the past, hard priorities were rarely set, and as a result, NHTSA resources were diluted. By trying to develop standards in too many areas, the agency reduced the effectiveness of the rulemaking program as a whole.

Probably the most difficult task the NHTSA faced in establishing priorities was the decision of where to draw the line. Identification of the highest priorities was not particularly hard. However, trying to decide how much of the agency's resources could be usefully directed at these problems was a far more subjective determination. Thus it was necessary to examine each rulemaking area in terms of the relative improvement in public safety that would be realized from the dedication of additional resources.

While recognizing the difficulty in deciding to forgo rulemaking in any specific area, this plan explicitly identifies each of those areas.

Although this plan represents NHTSA's current thinking on the nature of future motor vehicle rulemaking activities, it must be recognized that motor vehicle regulatory programs operate in a dynamic environment. New areas of activity may be added, schedules may be changed, or some of the presently comtemplated activities may be deleted. For example, as a result of public petitions, technological breakthroughs, or new safety problems revealed by accident investigation studies, additional rules or modifications to existing rules may be required.

Similarly, a cancellation or delay in the scheduled issuance dates of certain rules may be necessary. This could be a result of indecisive research findings, redundancy among various rules, and unanticipated cost impacts. (Manufacturer costs and consumer price are evaluated thoroughly prior to the issuance of any rule.)

Such changes cannot be predicted in advance. However, to at least partially accommodate this problem, the rulemaking plan will be updated and revised annually to reflect the changes.

1. *Motor Vehicle Safety Rulemaking Priorities—Occupant Protection.* Increased protection has been afforded passenger car occupants in frontal crashes as a result of the passive restraint rule. The agency has as one of its priotities the extension of passive protection to occupants of light trucks, vans, and multi-purpose vehicles. The next major cause of injuries and fatalities is side crashes. Of the 25,000 front seat occupants who were killed in crashes during 1976, about 7,000 were victims of side crashes. Thus, improving the safety of people involved in side crashes in passenger cars, light trucks, vans and multi-purpose passenger vehicles is the NHTSA's highest occupant protection priority. In the near-term, resources will be focused on upgrading present side crash requirements with the ultimate intention of requiring significantly higher levels of side crash protection as a part of a comprehensive set of total vehicle crashworthiness performance standards.

The major, longer-term objectives will be to consolidate and upgrade all occupant protection rules. NHTSA expects to develop a new series of occupant protection standards in which each standard would comprehensively cover frontal, side, rear, or rollover crash protection. Requirements for improved seating systems would also be included.

These standards would build upon the knowledge that was gained in the development of the passive restraint requirement. The standard requiring passive restraints was a major breakthrough. No longer was a standard promulgated in terms of the performance of a specific vehicle component. Rather the passive restraint standard is defined in terms of overall vehicle performance as measured in terms of anticipated injury levels on test dummies.

These new comprehensive standards would also be developed in terms of injury levels that would occur in frontal, side, rear, or rollover dynamic crash tests. This requires the development of an advanced test dummy, an activity which will be given very high priority. The new standards would replace most of the existing occupant protection standards which apply to separate vehicle components. Consolidated performance standards should not only result in a higher level of occupant safety, but should also provide manufacturers with a significantly greater level of design flexibility in meeting occupant protection requirements. Another result of this new series of occupant protection standards would be to reduce the aggressiveness of vehicles in multi-vehicle crashes.

Light Trucks and Vans. Another safety problem stems from the increased growth of light trucks and vans in the vehicle fleet. Standards applied to passenger cars were generally not applicable to light trucks and vans. With the enormous increase in the use of these vehicles in lieu of conventional passenger cars, the number of preventable, accident-related injuries and fatalities is growing. In 1976, almost 5,000 light truck and van occupants were killed in vehicle crashes. Thus, in the near future, the NHTSA plans to extend the applicability of many of its present standards to cover these vehicles in either their present form, or modified with respect to the particular performance needs of these vehicles.

Pedestrian Safety. Another of the critical areas confronting the NHTSA is pedestrian safety. About 7,000 pedestrians were killed in vehicle accidents during 1976. This is an area where little has been accomplished to date with respect to vehicle safety standards. It is an area where the options open to the NHTSA include activities other then rulemaking. To date, most of NHTSA's attention to this problem has come through the traffic safety program under the Highway Safety Act. However, the magnitude of the problem is such that the NHTSA should explore all options. Thus, a long-term priority of the NHTSA is the development of vehicle standards that will reduce injuries to pedestrians who are struck by motor vehicles. In the near-term, the agency contemplates issuing a rule to eliminate exterior protrusions that contribute to pedestrian injury and to subtantially expand research into the causes and prevention of pedestrian injuries.

Braking Systems. Braking is the fourth area in which an increase in the NHTSA's efforts is contemplated. Although substantial improvements have been made, vehicle braking performance should be susceptible to further improvement with a consequent reduction in crash occurrences and severity.

There is a wide array of problems associated with current braking systems. Some examples are differential stopping distance among vehicles of various types (e.g., passenger cars and trucks), the varied reliability and performance of aftermarket brakes, and the problems associated with inspection and diagnosis of degraded systems. NHTSA is contemplating several new standards in the area of braking and an upgrade of several existing standards. These rules should be issued in the near future.

Over the longer term, high priority is being given to advanced concepts such as long-life brake systems, automatic brakes and anti-lock brakes for passenger cars and motorcycles. Although more research and development is needed before a precise date can be set for issuing more advanced braking standards, the work that has been completed is promising.

2. *Terminated and Deferred Rulemaking Activities.* There are a number of motor vehicle safety areas where rulemaking is planned to be either terminated or deferred until further action is warranted. None of these areas is without potential safety benefits.

Because resources are limited, priorities have been established and efforts concentrated on the most serious

problems and in program areas where the greatest reduction in fatalities and injuries can be expected.

A. TERMINATED RULEMAKING ACTIONS.

In the past, the NHTSA has initiated rulemaking in a number of areas by issuing an Advanced Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) or by granting a petition, but has not completed the action by issuing a rule. A review of the almost 70 active dockets reveals that a number of actions were not completed either because the NHTSA's limited resources were directed toward higher priority actions, the magnitude of the problem was not large, or the NHTSA was unable to adequately document the nature and extent of the problem. A listing and brief discussion of each of the 13 actions which the agency contemplates terminating is presented in Section II-C.

B. DEFERRED RULEMAKING ACTIVITIES.

In a number of other areas, NHTSA plans no new initiatives. However, the NHTSA intends to issue technical amendments as needed to maintain the effectiveness of the existing standards and to respond to petitions to amend standards when justified. One example of how the agency expects to react to changing circumstances is shown by Standard 301, Fuel System Integrity. In the face of some recent serious accidents that resulted in vehicle fires, NHTSA has been testing a number of vehicles in car-to-car, rear end crashes. When these tests are completed, an amendment of the present standard may be proposed.

The following list identifies current Federal Motor Vehicle Safety Standards (FMVSS) and other areas in which new rulemaking activity will be at a minimum unless some event occurs which warrants a reexamination of an area:

102 Transmission Shift Sequence, etc.
103 Windshield Defrosting and Defogging
104 Windshield Wiping
106 Brake Hoses
107 Reflecting Surfaces
110 Tire Selection and Rims
112 Headlamp Concealment
113 Hood Latch Systems
116 Brake Fluids
117 Retreaded Tires
118 Power Windows
123 Motorcycle Controls
124 Accelerator Controls
125 Warning Devices
126 Truck—Camper Loading
205 Glazing Materials
211 Wheel Nuts, etc.
212 Windshield Mounting
215 Exterior Protection
217 Bus Window Retention
219 Windshield Zone Intrusion
220 School Bus Rollover
221 School Bus Body Strength
301 Fuel System Integrity
Trailer Towing Jacking Systems

B. MOTOR VEHICLE FUEL ECONOMY

This section summarizes the current plan of NHTSA for establishing and modifying average fuel economy standards for passenger automobiles, light trucks and vans, and for establishing and revising procedural regulations under the authority of Title V, Motor Vehicle Information and Cost Savings Act (hereafter called "the Act"). It identifies each planned rulemaking activity with milestones for issuance of final rules, NPRM's and ANPRM's through 1983. The Voluntary Truck and Bus Fuel Economy Improvement Program, which is also administered by NHTSA, is not included in this Plan.

1. *Passenger Automobiles.* The Act requires an evaluation of the capability of the automobile manufacturers to meet the passenger automobile average fuel economy standard of 27.5 miles per gallon (MPG) for model year 1985 at the time of the January 1979 annual report to the Congress. Further, the President has directed the Secretary of Transportation to "begin the analytic work necessary to examine how his authority should be used to raise mileage standards above 27.5 mpg beyond 1985." To meet these requirements, NHTSA plans to conduct the necessary analyses and issue a notice of proposed rulemaking covering model year (MY) 1985 and 1986 passenger automobiles in January 1979. The final rule will follow in six months, July 1979. During this same rulemaking activity, fuel economy standards for MY 1984 will be reexamined. Approximately two years later this process will repeat for MY 1986–1988 passenger automobiles with the NPRM to be issued in March 1981 and the final rule in August 1981. This contemplated sequence of passenger car rulemaking will maintain the 4-to-6 year lead time between issuance of the standards and start of production. In some cases an ANPRM may be issued about one year in advance of the NPRM.

2. *Light Trucks and Vans.* The Act requires fuel economy standards to be set for light trucks and vans at least 18 months before the start of the model year. The NHTSA set the requirements for MY 1979 light trucks and vans of certain classes on March 14, 1977 (42 F.R. 13807). NHTSA plans to issue the final rule establishing standards for classes of MY 1980 and 1981 light trucks and vans in March 1978. The NPRM was published in December 1977 (Dec. 15, 1977, 42 F.R. 63184). Work on the standards for MY's 1982 and 1983 will begin this spring and a final rule will be issued about a year later. The 1982–1983 rulemaking is expected to give a three-year lead time for the MY 1983 vehicles. If it proves possible, MY 1984 light trucks and vans will be included in this rulemaking cycle. The next rulemaking will cover MY's 1984–1986 and will follow one year later with an NPRM in March 1980 and a final rule in August 1980. Note that this rulemaking corresponds to the 1984–1986 passenger automobile rulemaking but is delayed one year. Rules for MY 1986–1988 light trucks and vans will be set with an NPRM in March 1982 and a final rule in August 1982. Since most of the R&D on automotive fuel economy issues to date has emphasized the passenger automobile, much R&D must be conducted on the fuel economy of light trucks and vans to provide the substantive basis for rulemaking that most accurately reflects the manufacturers' potential capability to improve fuel economy of those vehicles.

3. *Low-Volume Manufacturers.* The Act permits manufacturers with less than 10,000 passenger automobiles annual production to petition for a reduction in the average fuel economy standards applicable to them under certain conditions. In July 1977, NHTSA issued the regulations pertaining to petitions for reduction for low-volume manufacturers and the procedures for handling such petitions. (July 28, 1972; 42 F.R. 38374) The Act requires that NHTSA set an alternative standard at the maximum feasible level if it grants a waiver from the applicable standards. There must also be an opportunity for public comment. By January 1978, four complete petitions had been received. NHTSA plans to complete the processing of these petitions by April 1978.

Experience with the current regulations indicates that some modification may be advisable to streamline the process. Accordingly, NHTSA expects to issue an NPRM in March 1978 and a final rule in September 1978 to modify the current regulations governing petitions for reduction from low-volume manufacturers.

4. *Petitions for Reduction, 1978–1980 Passenger Automobile Standards.* The Act provides for reductions in the average fuel economy standards for MY's 1978, 19079, or 1980 passenger automobiles when a manufacturer can show that the Federal standards for emissions, safety, noise, or damageability which become effective during those model years adversely affect fuel economy. NHTSA issued the final rule on the contents and procedures for disposition of petitions for reduction on November 14, 1977. (42 F.R. 58938). There is little evidence to suggest that any manufacturer will petition for a reduction for MY 1978 or 1979, although there may be some petitions for MY 1980. In this case, it is important that NHTSA issue a final decision on any such petition shortly after the start of the model year. NHTSA is preparing for this possibility by supporting independent assess-

ments of the relationships between engine efficiency and emission levels.

RULEMAKING SCHEDULE

Section II summarizes the contemplated milestones for the various rulemaking activities described above and shows their relations in time. This plan lists proposed effective dates, that is, the vehicle model year for which a rule takes effect. These are included to provide a means by which the public can respond to NHTSA's current thinking on the appropriate relationships betwen the time a rule is issued and the time the level of performance required is incorporated into vehicles sold in the marketplace. In specific instances, the timing of the effective date will depend on such factors as the complexity of the rule, the research and engineering requirements, and the possible need for vehicle redesign.

The following are definitions of some of the terms used in Section II:

(1) ANPRM (Advanced Notice of Proposed Rulemaking) typically identifies a problem which may require rulemaking, describes the general direction of agency thinking and requests comments and information on specific issues regarding the problem and its solution.

(2) NPRM (Notice of Proposed Rulemaking) either sets forth the text of a proposed rule or describes the subjects and issues involved and invites public comment.

(3) RULE is an order, regulation, or safety standard issued under the National Traffic and Motor Vehicle Safety Act or the Motor Vehicle Information and Cost Savings Act (for fuel economy rulemaking). It specificies the agency's final decision on an issue and has the force of law.

(4) EFFECTIVE DATE indicates the vehicle model year in which it is anticipated that a regulation or safety standard will first take effect and compliance will be legally required.

It should be noted that the schedule for ANPRM's, NPRM's, and Rules is based on the Federal fiscal year (October 1 to September 30). Fiscal years are identified by the calendar year in which they end. Thus, fiscal year 1980 is the time period, October 1, 1979, to September 30, 1980. Effective dates refer to the vehicle model years, which usually begin on September 1 and are also identified by the calendar year in which they end. Thus, model year 1980 vehicles generally become available on September 1, 1979.

SECTION II: RULEMAKING SCHEDULE

A. MOTOR VEHICLE SAFETY RULEMAKING

1. *Rulemaking Initiatives*[1]

Side Impact Protection (Upgrade). Amend FMVSS 214 by defining occupant compartment integrity criteria for passenger cars, light trucks, vans and multipurpose passenger vehicles struck by a moving barrier and specifying padding performance criteria by defining injury limits for a test dummy under dynamic crash conditions. (NPRM 1980, rule 1981, effective 1984-85.[2])

Collapsible Steering Columns, Column Displacement and Interior Impact Requirements. Extend FMVSS 201, 203, and 204 to all vehicles under 10,000 pounds Gross Vehicle Weight Rating (GVWR) (e.g. light trucks, vans and multi-purpose passenger vehicles). Upgrading of the present FMVSS 203 and 204 requirements will also be considered. (NPRM 1978, rule 1980, effective 1981-1983.)

Passive Restraints. Passive protection requirements of FMVSS 208 will be extended to all vehicles under 10,000 pounds Gross Vehicle Weight Rating (GVWR) (e.g. light trucks, vans and multi-purpose passenger vehicles). (NPRM 1980, rule 1981, effective 1984.)

Exterior Protrusions. No protrusions serving only decorative or identification purposes may be mounted on any vehicle which would increase the risk of personal injury to pedestrians or cyclists. (NPRM 1978, rule 1979, effective 1980-81.)

Truck Rear Underride Protection. Require protective devices to eliminate vehicle penetration under the rear-ends of heavy trucks and trailers and to dissipate crash force, thus reducing accident severity. (NPRM 1980, rule 1981, effective 1982-83.)

Child Restraint Systems. Extend the applicability of FMVSS 213 to infant restraints and child harnesses and require a dynamic test using test dummies. (NPRM 1978, rule 1979, effective 1980.)

School Bus Crash Protection. Consider amending FMVSS 222 to allow for greater passenger comfort on long distance and special activity trips by permitting seats on activity buses to be spaced further apart and extend FMVSS 222 to day-care center buses. (NPRM 1978, rule 1979, effective 1979-81.)

Hydraulic Brake Systems. As an interim measure leading to a substantial upgrading of truck braking performance requirements, this rule will expand the coverage of FMVSS 105, including split service systems requirements, to all vehicles.[3] The standard now covers only passenger cars. (NPRM 1979, rule 1980, effective 1983.)

Standardized Vehicle Identification Number (VIN). Improve the accuracy with which vehicles that have been stolen or involved in safety defect recall campaigns, can be identified by requiring a 30-year cycle, worldwide standardized VIN for all motor vehicles. (NPRM issued rule 1979, effective 1980-1981.)

Passenger Car Tire Traction. Establish minimum performance values for passenger car tire wet traction as tested on the surfaces utilized for the Uniform Tire Quality Grading System (UTQGS). The test methodology is expected to be similar to the current concept used for UTQGS. (NPRM 1979 rule 1980, effective 1982.)

Low Tire Pressure Warning. Establish minimum performance requirements for a low tire pressure warning device and require that all vehicles be equipped with such devices as original equipment. (NPRM 1978, rule 1979, effective 1981.)

Direct Fields of View. Specify requirements for all vehicles by limiting the extent to which vehicle structures obstruct the driver's line of sight, improve night-time visibility by establishing glazing surface light transmission levels and specify visibility or ground surface targets from buses. (NPRM 1978, rule 1979, effective 1981-82.)

Rearview Mirror Systems. Require that drivers of all vehicles be able to see a higher percentage of target areas directly behind and on either rear side of the vehicle than is currently required by FMVSS 111, and require that outside mirrors meet breakaway or foldaway requirements to reduce pedestrian injuries. (NPRM 1978, rule 1979, effective 1981-82.)

Rear Lighting and Signalling. A recent study on a taxi fleet showed that rear-end accidents were reduced by almost 50 percent on taxis equipped with separate high-mounted brake lights. If additional research confirms these findings, FMVSS 108 will be amended to require separate high-mounted brake lights on all vehicle types. (NPRM 1980, rule 1981, effective 1983.)

Uniform Tire Quality Grading System (UTQGS). Effective dates for the present UTQGS regulations requiring grading information in the areas of treadwear, traction and temperature resistance for bias and belted bias tires will be established in 1978. A future amendment to this regulation will incorporate grading requirements for radial tires. Issuance of this amendment is planned for 1979, subsequent to additional analysis of radial tire treadwear. Rule 1978 and 1979 effective 1979-1980.

Brake Inspectability. Require that brakes on all vehicles under 10,000 pounds GVWR (e.g. new passenger cars, light trucks, multi-purpose passenger vehicles and vans) be designed so that the brake shoes or pads and

[1] Rulemaking initiatives represent areas where information now available appears sufficient to justify Federal rulemaking action.

[2] The range of dates reflects the agency's present uncertainty of the specific year for which it is anticipated the rule will first become mandatory. It does not represent a phased implementation of the rule.

[3] Where it appears in Sections II A1 and II A2, the term "all vehicles includes all *motor* vehicles except motorcycles, unless otherwise specified.

other components can be inspected without removing the wheel. ANPRM 1978, NPRM 1979, rule 1980, effective 1982-1983.

Theft Protection. Amend FMVSS 114 by providing requirements that would further impede entry into, and operation of, a vehicle by unauthorized persons. Also, extend the standard to all vehicles under 10,000 pounds GVWR (e.g. light trucks, vans and multi-purpose passenger vehicles.) NPRM 1978, rule 1979, effective 1981.

Speedometers and Odometers. Establish requirements for the installation and accuracy of speedometers and odometers, limit indicated speed and require tamper-resistant odometers on all vehicles, including motorcycles. NPRM issued rule 1978, effective 1980-1981.

Controls and Displays. Amend FMVSS 101 to specify the location and method of operation for certain controls on the instrument panel and steering column of passenger cars, light trucks, vans and multi-purpose passenger vehicles and to specify the location and visibility of certain displays on the instrument panel. NPRM 1979, rule 1980, effective 1982.

Seat Belt Assemblies (Active Belts). Improve seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance and dynamic testing of seat belt assemblies. ANPRM issued NPRM 1978, rule 1979, effective 1981.

2. *Technical Amendments.*[4]

Motorcycle Helmet compliance Test. Extend FMVSS 218 to cover large and small motorcycle helmets. The current standard applies only to medium sized helmets. NPRM 1979, rule 1980, effective 1981.

Roadwheel Identification and Selection. Specify that wheels be marked with load ratings and that the wheels used on all new vehicles meet the loading requirements of the vehicle (FMVSS 110 and 120). NPRM 1979, rule 1980, effective 1981-1982.

Rearview Mirror Systems. This amendment to FMVSS 111 will provide for optional plane and convex mirrors on trucks. NPRM issued rule 1978, effective 1980.

Headlight Candlepower. This amendment to FMVSS 108 will permit greater candlepower for high beam lights on pasenger card and will place requirements on low beam pattern and headlight aiming. NPRM issued rule 1978, effective 1978.

Clearance and Identification Lamps. An amendment to FMVSS 108 will consider deleting mounting height requirements for truck clearance and identification lamps. NPRM issued rule 1979, effective 1980-1981.

Controls and Displays. FMVSS 101 will be amended to permit manufacturers of all vehicles to use symbols adopted by the International Standards Organization (ISO) for identifying vehicle controls and displays. NPRM issued rule 1978, effective 1979-1981.

Motorcycle Brakes: Change the current FMVSS 122 test procedure. The proposed procedure involves towing the motorcycle behind a truck so that the motorcycle is roll-constrained (i.e., supported so that it cannot tip over) and eliminates the need for a test rider during high-speed braking tests. The current water immersion procedure may be replaced by a water spraying system during the wet recovery tests. (NPRM 1979, rule 1980, effective 1981-82.)

Gross Coupling Weight Rating. An amendment to the regulations on certification (Part 575) of vehicles manufactured in two or more stages (Part 568) will require labelling of the gross coupling weight rating (GKWR) on all semitrailers. (NPRM issued rule 1978, effective 1979.)

Door Locks and Retention Components. This amendment will extend the applicability of the present FMVSS 206 to cover transverse rear doors, e.g., those on hatchback passenger cars. Existing FMVSS 206 test procedures will be clarified. (NPRM 1978, rule 1979, effective 1980-81.)

3. *Exploratory Rulemaking*[5]

Occupant Protection Upgrade. Four crash protection standards would significantly increase the level of occupant protection in frontal, side, rear and rollover crashes by consolidating the present crashworthiness standards on vehicle components (i.e., steering column, instrument panel, side doors, roof, door latches and hinges) into system performance standards and by replacing current static test requirements with more realistic dynamic crash tests at various speeds. Reduced aggressiveness of certain vehicles in vehicle-to-vehicle crashes would be incorporated into these standards. A new generation of test dummies will be developed to permit dynamic crash tests required by this new series of occupant protection standards.

Pedestrian Protection. Standards would require appropriate modification to vehicle bumpers, hood edges, hood surfaces and windshield headers to reduce the severity of pedestrian injuries.

Motorcycle Rider Protection. A series of standards would insure the integrity of safety related vehicle components, increase the level of rider protection, and improve the visibility of the motorcycle rider in the traffic environment.

Aftermarket Brakes. Aftermarket brake shoe and pad assemblies are highly variable in their reliability and performance. Requirements would address such areas as friction properties, fade, wear rates, and performance under wet conditions, so that replacement brake shoes and pads will be equivalent to original equipment.

Truck Brakes. This standard would significantly upgrade the braking performance requirements for all heavy trucks and trailers regardless of the method of brake actuation system (e.g., air or hydraulic).

Advanced Braking Systems. Requirements would substantially upgrade the performance of passenger car, van, bus, light truck, and multi-purpose passenger vehicle brakes. Consideration will be given to anti-lock systems, automatic warning and actuation systems, and to the development of braking systems that have a significantly longer life.

Motorcycle Brake Upgrade. The standard would establish requirements for improved stopping distances and greater stability during braking. A major emphasis will be placed on preventing or reducing wheel lock-up.

Traction Amendment. This amendment to FMVSS 119 would call for a major upgrade of the existing requirements applicable to trucks, buses, multi-purpose passenger vehicles, and trailers. Improved tire traction is important if the full benefits of upgraded braking systems are to be realized. A traction standard for passenger cars will be issued much earlier than this amendment based on the technology developed in the uniform tire quality grading program.

Truck Ride Quality. Rulemaking activities in this area would define and set limits on vibration and other ride quality characteristics of large trucks which not only pose a health threat to the driver but also result in a safety hazard to all road users. One of the initial standards would set requirements on the location of the "fifth wheel" on tractor-trailer combinations.

Electric, Hybrid, and Restricted Performance Vehicles. A substantial increase in the number of electric and lightweight restricted performance vehicles is expected in the future. Standards would be developed to insure a satisfactory level of crashworthiness and operational safety of these unique vehicles.

Flammability and Toxicity of Interior Materials. This standard would extend coverage of existing FMVSS 302 to recreational vehicles and generally upgrade existing performance requirements including limitations on

[4] The purpose of these rulemaking actions is primarily to clarify existing requirements or resolve specific technical problems.

[5] This category includes motor vehicle safety areas where the need for improvement is obvious but where precise solutions have not yet been difined or developed and/or where it is not certain that Federal regulation is the best alternative. However, in most cases the research and engineering activities are expected to lead to rulemaking sometime between 1960 and 1983.

toxic fumes emitted from burning interior materials. NHTSA will closely monitor the technological advancement made by other Federal agencies in this area and will initiate rulemaking where appropriate.

Electromagnetic Interference. Vehicle systems such as brake antilocks, air cushion electronic devices, and fuel injection monitors are highly susceptible to external and internal interferences. Standards will be developed to insure that such systems are compatible both among themselves and with other external and internal electronic devices.

Controls for the Handicapped. This standard would place safety requirements on adaptive driving aids used by handicapped drivers. Research will be undertaken to determine the nature and extent of the handicapped driver problem and to examine the effectiveness of adaptive aids presently in use. NHTSA is working closely with and depending primarily on the activities of the Veterans Administration in setting standards for adaptive aids.

Handling and Stability. Standards would improve the handling and stability characteristics of vehicles in both normal and emergency manuevers. One of the initial rulemaking actions would place requirements on yaw stability, thus reducing the incidence and severity of "spinouts" often caused by sudden and severe steering inputs.

B. FUEL ECONOMY RULEMAKING

Passenger Automobiles. Two rules are to be issued to establish fuel economy standards for Model Years 1984 through 1988. Included in the rulemaking actions will be a re-examination of previous standards. A four-to-six year lead-time will be maintained.

SCHEDULE

	Model year	
	1984-86	1986-88
ANPRM	1978	1980
NPRM	1979	1981
Rule	1979	1981

Light Trucks and Vans. Four rules are anticipated for light trucks and vans. Standards are to be established at least 18 months before the start of the model year. The second round of rulemaking (i.e., that occurring in 1979) may be expanded to include standards for model years 1984 and 1985.

	Model year			
	1980-81	1982-83	1984-86	1986-88
NPRM	Issued	1979	1980	1982
Rule	1978	1979	1980	1982

Low Volume Manufacturers. A rule may be proposed and issued to refine the requirements regarding the contents of and procedures for disposition of petitions from low volume manufacturers for exemption and for establishment of alternative standards. (NPRM, 1978, rule, 1978.

Petitions for Reductions in 1980 Fuel Economy Standards. If petitions are received for reduction of the model year 1980 fuel economy standard for passenger automobiles, a decision will be issued. (Proposed decision, 1979, final decision, 1979.)

C. TERMINATED MOTOR VEHICLE SAFETY RULEMAKING ACTIVITIES

In the process of establishing priorities, the NHTSA has reviewed all pending actions, has identified those with low priority, and contemplates terminating any further rulemaking on the following open actions:

Docket 74-5 Lamps, Reflection Devices and Associated Equipment (FMVSS 108).—An NPRM (January 30, 1974; 39 FR 3833) proposed to establish performance requirements for (and permit use of) optional accelerator position indicator lamps and deceleration signals. These include red, yellow, and green tri-lites as well as panic stop signals. The NHTSA is currently investigating alternative methods to reduce the incidence of rear-end collisions and an NPRM is planned in 1980 on Rear Lighting and Signalling as described in the Rulemaking Initiatives section of this plan.

Another NPRM published on July 22, 1976, (41 FR 30138) proposed an increase in the maximum candlepower at two test points for motorcycle headlamps, one on low beam and the other on high beam. This proposed amendment was in response to a petition from a headlamp manufacturer who wishes to market a system which exceeds the maximum candlepower requirements of FMVSS 108. The NHTSA plans to conduct a thorough review and evaluation of motorcyle headlamp requirements.

Docket 74-2 New Pneumatic Tires (FMVSS 109).—An NPRM (January 10, 1974; 39 FR 1516) proposed a new laboratory test for measuring tire endurance. There are indications that the laboratory test procedures proposed at that time may not be representative of actual road use. It is recognized that in recent years there have been substantial changes in the types of tires purchased and used. The results of defects investigations and other studies will determine the need for further rulemaking in this area.

Docket 2-1 Occupant Protection in Interior Impacts (FMVSS 201).—A Notice (May 22, 1973; 38 FR 13490) informed the public that a previous NPRM was being revised and the NHTSA would eventually issue a new NPRM. No upgrading of this standard is planned now that the FMVSS 208 passive restraint requirement is in effect, except for the extension of FMVSS 201 to light trucks, vans, and multi-passenger vehicles, which will be handled through a separate docket. Interior protection improvements will be included in future occupant protection standards.

Docket 74-13 Head Restraints (FMVSS 202) and Seating Systems (FMVSS 207).—An NPRM (March 19, 1974; 39 FR 10268) proposed to: (1) extend applicability of 202 to multipurpose passenger vehicles (MPV's), light trucks, and bus driver seats; (2) establish barrier crash testing for cars, MPV's and light trucks; and (3) consolidate 202 with 207 because of the logical relationship between head restraints and seats.

Any future upgrade of seats and head restraints will become an integral part of the Occupant Protection Upgrade described in the Exploratory Rulemaking section of this plan.

Docket 74-30 Door Locks and Door Retention Components (FMVSS 206).—An NPRM (August 14, 1974; 39 FR 29198) proposed an amendment that would clarify the test procedure for longitudinal and transverse latch load tests.

This docket has been inactive since 1974, due to a need for additional data and a lack of NHTSA manpower. No further action on this standard is planned except for a minor amendment to clarify the test procedure and extend FMVSS 206 to cover transverse rear doors which will be handled through a separate docket. Future upgrading of door lock and retention requirements will be incorporated into the amentment of FMVSS 214—Side Impact Protection.

Docket 74-41 Flammability of Interior Materials (FMVSS 302).—An NPRM (November 15, 1974; 39 FR 40305) proposed extension of 302 applicability to campers and trailers other than those sold for cargo transport. This docket has been inactive since 1974 due to its low priority. Further modifications to FMVSS 302 may result from the Flammability and Toxicity of Interior Materials activities described in the Exploratory Rulemaking section of this plan, but these will be handled through Docket 3-3.

Docket 73-11 Odometer Study.—A Notice (May 1, 1973; 38 FR 10750) solicited information on the extent to which the reliability of motor vehicle odometers could be improved and on the technical feasibility of producing tamper-proof odometers.

Comments from this Notice were used to develop a report to Congress, as required by the Motor Vehicle Information and Cost Savings Act. The results of this study have been incorporated into the rulemaking action of Docket 76-6, Speedometers and Odometers, and further rulemaking in this

area will be implemented in Docket 76-6. (See Technical Amendments Section of this Plan.)

Docket 74-8 High Speed Warning.—A Notice (December 1, 1970; 35 FR 18295 (Docket 1-19)) had proposed a 95 mph maximum speed capability; a system of warning lights and horns which would operate at 81-to-85 mph; and an 85 mph speedometer limitation. This was a controversial proposal and the NHTSA determined that neither the maximum speed capability nor the warning appeared practicable. The speedometer limitation was retained, and an NPRM (February 22, 1974; 39 FR 6765) requested comment on this proposal. Based partially on comments to the 1974 Notice, Docket 76-6, Speedometers and Odometers, was opened with an NPRM (December 13, 1976; 41 FR 54204) proposing among other requirements, a maximum speedometer reading of 85 mph.

Docket 74-8 has been superseded by the more comprehensive rulemaking proposed in Docket 76-6. (See Technical Amendments Section of this Plan).

Docket 75-22 Mounted Bicycle Carriers.—An ANPRM (September 3, 1975; 40 FR 40537) solicited information on a contemplated rule on bicycle carriers which would reduce or eliminate sharp edges, limit their projection beyond a specified distance, and require affixing labels to warn against front end mounting. Data in comments received on the ANPRM appear insufficient to develop a proper analysis and justification of a rule. Rulemaking on this subject has been assigned a low priority. Any further work in this area will be included as an upgraded pedestrian protection standard.

Docket 70-21 Spray Protectors.—An NPRM (September 4, 1970; 38 FR 28840) proposed a new standard to establish requirements for spray protectors to deflect spray and debris thrown up by rear wheels. The standard was to apply to passenger cars, MPV's, trucks, buses and trailers. A subsequent Notice (October 17, 1973; 38 FR 28840) announced that the NHTSA had determined that further research was necessary before issuing a rule. The Federal Highway Administration (FHWA) is currently testing trucks for splash, spray, and aerodynamic stability, and NHTSA is awaiting the results which are due in 1979.

Sufficient data to justify a rule does not appear to be available at this time.

Docket 73-21 Multi-purpose Passenger Vehicle Definition (Part 571.1).—An NPRM (September 4, 1973; 38 FR 23804) proposed an amendment to the definition of multi-purpose passenger vehicle for the purpose of the motor vehicle safety standards, to eliminate the reference to features for "off road operation." Currently, an MPV is a vehicle constructed on a truck chassis with special features for occasional off-road operation. MPV's are currently not required to meet several safety standards.

NHTSA currently plans to extend FMVSS's 201, 203, 204, and 208 to include MPV's. Consequently, a manufacturer will no longer be able to avoid having to comply with safety standards by having a vehicle classified as an MPV. Since the potential problem is being corrected by extending the applicability of standards to these vehicles, there appears no longer to be a need to amend the definition of MPV's.

Docket 73-1 Vehicle Seating Reference.—An NPRM (January 17, 1973; 38 FR 1645) defines a procedure for installing a weighted Society of Automotive Engineers (SAE) manikin in the driver's seat and a method of determining the manikin's hip joint location and its relation to the manufacturer's seating reference point.

The International Standards Organization (ISO) is currently conducting research in this area with no NHTSA action planned until results of this research are available, in approximately two years. This docket may be reopened if ISO research indicates the need for rulemaking.

Docket 75-23 Electrical System Integrity.—An ANPRM (September 4, 1975; 40 FR 40853) requested information relevant to decreasing electrical system fires and insuring the crashworthiness of the electrical system components.

This issue is currently being studied in an R&D contract in an attempt to determine the magnitude of the problem and to evaluate the usefulness of a safety rule. A parallel study is examining the issue of battery safety.

This issue is currently low priority, with no clear definition of the problem or available solutions. This docket will be reopened only if the R&D effort demonstrates a need for rulemaking.

[FR Doc. 78-6927 Filed 3-15-78; 8:45 am]

federal register

THURSDAY, MARCH 16, 1978
PART V



ENVIRONMENTAL PROTECTION AGENCY

■

TOXIC SUBSTANCES CONTROL ACT

Statement of Interpretation and Enforcement Policy; Notification of Substantial Risk

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 849-2]

TOXIC SUBSTANCES CONTROL ACT

Notification of Substantial Risk Under Section 8(e)

AGENCY: Environmental Protection Agency.

ACTION: Statement of interpretation and enforcement policy.

SUMMARY: This action states EPA's interpretation of, and enforcement policy concerning, section 8(e) of the Toxic Substances Control Act (TSCA) (90 Stat. 2029, 15 U.S.C. 2607). The provisions of that section went into effect on January 1, 1977.

Section 8(e) states that "any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information."

DATES: The policy expressed in this document is in effect as of the date of publication.

FOR FURTHER INFORMATION CONTACT:

Frank D. Kover, Assessment Division, Office of Toxic Substances (WH-557), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-2110.

SUPPLEMENTARY INFORMATION: On September 9, 1977, the Agency proposed guidance (42 FR 45362) on its interpretation of and policy concerning the provisions of section 8(e). Although the proposed "guidance" was an interpretive rule and statement of policy exempt from the notice and public comment provisions of the Administrative Procedure Act (5 U.S.C. 553), the Agency solicited comments on several issues to make more informed decisions. On October 11, the comment period was extended from October 15 to October 31, 1977 (42 FR 54857). On November 4, 1977, a supplemental notice to the proposed guidance was published (42 FR 57744), deleting the November 15 date for reporting certain information obtained before 1977 and stating that a new date would be established in the final guidance.

In developing this policy statement, two meetings have been held (February 1, 1977, and October 26, 1977) with selected representatives of industry and environmental and other interested groups. Comments submitted pursuant to the February 1 meeting were addressed in the preamble to the September 9 proposal. Over 100 written comments have been submitted pursuant to the September 9 proposal from trade associations, businesses, environmental groups, labor unions, State and Federal agencies, and other interested parties. Appendix B describes significant issues raised in these comments and the Agency's response to them.

The major modifications to the September 9 proposal are summarized in points 1 through 7 below.

(1) Pursuant to some question over the definition and nature of "guidance," this document is now described more accurately as a "policy statement." It is exempt from the notice and public comment provisions of the Administrative Procedure Act, as well as provisions concerning delayed effective dates.

(2) Many commenters expressed the view that to apply these requirements to officers and employees of a business organization would result in ill-considered, premature reports and would unfairly subject employees to conflicting responsibilities as individual respondents and as corporate agents. Other commenters expressed support for the view that certain employees have a responsibility to report pertinent information, and felt that the phrase "capable of appreciating pertinent information" appropriately described those employees.

The September 9 proposal would have applied section 8(e) requirements to commercial establishments as well as to employees capable of appreciating pertinent information, but stipulated enforcement priorities intended to encourage corporate processing and centralized reporting of such information (42 FR 45363). The intent was to ensure that pertinent information obtained by employees is promptly and appropriately considered, while minimizing duplicative or ill-considered submissions.

The Agency now feels that these objectives would best be served by allowing commercial establishments—under certain conditions designed to ensure full disclosure—to assume exclusive responsibility for reporting to EPA any substantial-risk information obtained by individual officers or employees. Accordingly, this policy statement stipulates that individual officers and employees will have fully discharged their section 8(e) obligations once they have notified the designated responsible company supervisor or official of pertinent information, *provided*, that the employing company or firm has established, internally publicizes, and affirmatively implements procedures governing such notifications. These procedures, at a minimum, must: (1) Specify the information that must be reported; (2) indicate how the notifications are to be prepared and submitted; (3) note the Federal penalties for failing to report; and (4) provide a mechanism for promptly notifying officers and employees who have submitted reports of the company's disposition of those reports, including whether or not they were submitted to EPA (and if not, informing employees of their right to report to EPA, as protected by TSCA section 23). EPA believes these four criteria will ensure prompt and appropriate processing of pertinent information.

Establishment of such procedures notwithstanding, all officials responsible and having authority for the organization's execution of its section 8(e) obligations retain personal liability for ensuring that substantial-risk information is reported to EPA.

(3) The September 9 proposal stated, in Part III, that a person obtains information when he is aware that it "may suggest" substantial risk. Numerous commenters questioned the Administrator's authority to compel the reporting of information which "may suggest" substantial risk. The Administrator agrees that section 8(e) addresses information that "reasonably supports the conclusion" of substantial risk and has deleted the "may suggest" provision, but emphasizes that "reasonably supports the conclusion" of substantial risk is not identical to a conclusive demonstration of substantial risk. The former typically occurs, and must be reported, at an earlier stage. Part VI in this policy statement provides Agency interpretation of the types of information that "reasonably support" such a conclusion.

(4) Numerous commenters requested clarification of different aspects of Part V of the September 9 proposal ("Information Which Reasonably Supports a Conclusion of Substantial Risk"), particularly concerning environmental effects, and suggested different interpretations of what constitutes a "substantial risk". The Agency continues to focus in this policy statement on the effects set forth in the September 9 proposal, but clarifies that the substantiality of a risk is a function of both the seriousness of the effect and the probability of its occurrence (see Part V).

(5) Numerous commenters maintained that section 8(e) only applies prospectively to information obtained after January 1, 1977. The Agency disagrees, as explained in the preamble to the September 9 proposal. This policy statement continues to apply section 8(e) to information obtained before 1977 of which a person has

been aware since January 1, 1977. In response to requests for clarification, the statement defines what constitutes such awareness. In this manner, EPA intends to limit the need for searches of historical records and files.

(6) This policy statement now provides that any information published in scientific literature, in any language, is exempt if it is referred to in abstracts published by specified abstracting services.

(7) This policy statement describes in a new Part X how to submit claims of confidentiality.

Accordingly, the Administrator's interpretation of and policy towards section 8(e) is set forth below.

Dated: February 24, 1978.

DOUGLAS COSTLE
Administrator.

I. DEFINITIONS

The definitions set forth in TSCA section 3 apply to these requirements. In addition, the following definitions are provided for purposes of this policy statement:

The term "manufacture or process 'for commercial purposes' " means to manufacture or process: (1) For distribution in commerce, including for test marketing purposes, (2) for use as a catalyst or an intermediate, (3) for the exclusive use by the manufacturer or processor, or (4) for product research and development.

The term "person" includes any natural person, corporation, firm, company, joint-venture, partnership, sole proprietorship, association, or any other business entity, any State or political subdivision thereof, any municipality, any interstate body and any department, agency, or instrumentality of the Federal Government.

The term "substantial-risk information" means information which reasonably supports the conclusion that a chemical substance or mixture presents a substantial risk of injury to health or the environment.

II. PERSONS SUBJECT TO THE REQUIREMENT

Persons subject to section 8(e) requirements include both natural persons and business entities engaged in manufacturing, processing, or distributing in commerce a chemical substance or mixture. In the case of business entities, the president, chief executive officer, and any other officers responsible and having authority for the organization's execution of its section 8(e) obligations must ensure that the organization reports substantial-risk information to EPA. The business organization is considered to have obtained any information which any officer or employee capable of appreciating the significance of that information has obtained. It is therefore incumbent upon business organizations to establish procedures for expeditiously processing pertinent information in order to comply with the schedule set forth in Part IV.

Those officers and employees of business organizations who are capable of appreciating the significance of pertinent information are also subject to these reporting requirements. An employing organization may relieve its individual officers and employees of any responsibility for reporting substantial-risk information directly to EPA by establishing, internally publicizing, and affirmatively implementing procedures for employee submission and corporate processing of pertinent information. These procedures, at a minimum, must: (1) Specify the information that officers and employees must submit; (2) indicate how such submissions are to be prepared and the company official to whom they are to be submitted; (3) note the Federal penalties for failing to report; and (4) provide a mechanism for promptly advising officers and employees in writing of the company's disposition of the report, including whether or not the report was submitted to EPA (and if not informing employees of their right to report to EPA, as protected by TSCA section 23). An employee of any company that has established and publicized such procedures, who has internally submitted pertinent information in accordance with them, shall have discharged his section 8(e) obligation. Establishment of such procedures notwithstanding, all officials responsible and having authority for the organization's execution of its section 8(e) obligations retain personal liability for ensuring that the appropriate substantial-risk information is reported to EPA.

Business organizations that do not establish such procedures cannot relieve their individual officers and employees of the responsiblity for ensuring that substantial-risk information they obtain is reported to EPA. While officers and employees of such organizations may also elect to submit substantial-risk information to their superiors for corporate processing and reporting, rather than to EPA directly, they have not discharged their individual section 8(e) obligation until EPA has received the information.

NOTE.—Irrespective of a business organization's decision to establish and publicize the procedures described above, it is responsible for becoming cognizant of any substantial-risk information obtained by its officers and employees, and for ensuring that such information is reported to EPA within 15 working days.

III. WHEN A PERSON WILL BE REGARDED AS HAVING OBTAINED INFORMATION

A person obtains substantial-risk information at the time he first comes into possession of or knows of such information.

NOTE.—This includes information of which a prudent person similarly situated could reasonably be expected to possess or have knowledge.

An establishment obtains information at the time any officer or employee capable of appreciating the significance of such information obtains it.

IV. REQUIREMENT THAT A PERSON "IMMEDIATELY INFORM" THE ADMINISTRATOR

With the exception of information on emergency incidents of environmental contamination [see Part V(c)] a person has "immediately informed" the Administrator if information is received by EPA not later than the 15th working day after the date the person obtained such information. Supplementary information generated after a section 8(e) notification should, if appropriate, be immediately reported. For emergency incidents of environmental contamination, a person shall report the incident to the Administrator by telephone as soon as he has knowledge of the incident (see Part IX for appropriate telephone contacts). The report should contain as much of the information required by Part IX as possible. A written report in accordance with Part IX (a) through (f) is to be submitted within 15 days.

Information currently in the possession of a person who is subject to reporting must be reported within 60 days of publication of this policy statement.

V. WHAT CONSTITUTES SUBSTANTIAL RISKS

A "substantial risk of injury to health or the environment" is a risk of considerable concern because of (a) the seriousness of the effect [see Subparts (a), (b), and (c) below for an illustrative list of effects of concern], and (b) the fact or probability of its occurrence. (Economic or social benefits of use, or costs of restricting use, are not to be considered in determining whether a risk is "substantial".) These two criteria are differentially weighted for different types of effects. The human health effects listed in Subpart (a) below, for example, are so serious that relatively little weight is given to exposure; the mere fact the implicated chemical is in commerce constitutes sufficient evidence of exposure. In contrast, the remaining effects listed in Subparts (b) and (c) below must involve, or be accompanied by the potential for, significant levels of exposure (because of general production levels, persistence, typical uses, common means of disposal, or other pertinent factors).

Note that: (i) The effects outlined below should not be reported if the re-

spondent has actual knowledge that the Administrator is already informed of them.

(ii) Information respecting these effects can be obtained either directly, by observation of their occurrence, or inferred from designed studies as discussed in Part VI.

The Agency considers effects for which substantial-risk information must be reported to include the following:

(a) *Human health effects*—(1) Any instance of cancer, birth defects, mutagenicity, death, or serious or prolonged incapacitation, including the loss of or inability to use a normal bodily function with a consequent relatively serious impairment of normal activities, if one (or a few) chemical(s) is strongly implicated.

(2) Any pattern of effects or evidence which reasonably supports the conclusion that the chemical substance or mixture can produce cancer, mutation, birth defects or toxic effects resulting in death, or serious or prolonged incapacitation.

(b) *Environmental effects*—(1) Widespread and previously unsuspected distribution in environmental media, as indicated in studies (excluding materials contained within appropriate disposal facilities).

(2) Pronounced bioaccumulation. Measurements and indicators of pronounced bioaccumulation heretofore unknown to the Administrator (including bioaccumulation in fish beyond 5,000 times water concentration in a 30-day exposure or having an n-octanol/water partition coefficient greater than 25,000) should be reported when coupled with potential for widespread exposure and any non-trivial adverse effect.

(3) Any non-trivial adverse effect, heretofore unknown to the Administrator, associated with a chemical known to have bioaccumulated to a pronounced degree or to be widespread in environmental media.

(4) Ecologically significant changes in species' interrelationships; that is, changes in population behavior, growth, survival, etc. that in turn affect other species' behavior, growth, or survival.

Examples include: (i) Excessive stimulation of primary producers (algae, macrophytes) in aquatic ecosystems, e.g., resulting in nutrient enrichment, or eutrophication, of aquatic ecosystems.

(ii) Interference with critical biogeochemical cycles, such as the nitrogen cycle.

(5) Facile transformation or degradation to a chemical having an unacceptable risk as defined above.

(c) *Emergency incidents of environmental contamination*—Any environmental contamination by a chemical substance or mixture to which any of the above adverse effects has been ascribed and which because of the pattern, extent, and amount of contamination (1) seriously threatens humans with cancer, birth defects, mutation, death, or serious or prolonged incapacitation, or (2) seriously threatens non-human organisms with large-scale or ecologically significant population destruction.

VI. Nature and Sources of Information Which "Reasonably Supports the Conclusion" of Substantial Risk

Information attributing any of the effects described in Part V above to a chemical substance or mixture is to be reported if it is one of the types listed below and if it is not exempt from the reporting requirement by reason of Part VII of this policy statement. A person is not to delay reporting until he obtains conclusive information that a substantial risk exists, but is to immediately report any evidence which "reasonably supports" that conclusion. Such evidence will generally not be conclusive as to the substantiality of the risk; it should, however, reliably ascribe the effect to the chemical.

Information from the following sources concerning the effects described in Part V will often "reasonably support" a conclusion of substantial risk. Consideration of corroborative information before reporting can only occur where it is indicated below.

(1) *Designed, controlled studies.* In assessing the quality of information, the respondent is to consider whether it contains reliable evidence ascribing the effect to the chemical. Not only should final results from such studies be reported, but also preliminary results from incomplete studies where appropriate. Designed, controlled studies include:

(i) In vivo experiments and tests.

(ii) In vitro experiments and tests. Consideration may be given to the existence of corroborative information, if necessary to reasonably support the conclusion that a chemical presents a substantial risk.

(iii) Epidemiological studies.

(iv) Environmental monitoring studies.

(2) *Reports concerning and studies of undesigned, uncontrolled circumstances.* It is anticipated here that reportable effects will generally occur in a pattern, where a significant common feature is exposure to the chemical. However, a single instance of cancer, birth defects, mutation, death, or serious incapacitation in a human would be reportable if one (or a few) chemical(s) was strongly implicated. In addition, it is possible that effects less serious than those described in Part V(a) may be preliminary manifestations of the more serious effects and, together with another triggering piece of information, constitute reportable information; an example would be a group of exposed workers experiencing dizziness together with preliminary experimental results demonstrating neurological dysfunctions.

Reports and studies of undesigned circumstances include:

(i) Medical and health surveys.

(ii) Clinical studies.

(iii) Reports concerning and evidence of effects in consumers, workers, or the environment.

VII. Information Which Need Not Be Reported

Information need not be reported if it:

(a) Has been published by EPA in reports;

(b) Has been submitted in writing to EPA pursuant to mandatory reporting requirements under TSCA or any other authority administered by EPA (including the Federal Insecticide, Fungicide and Rodenticide Act, the Clean Air Act, the Federal Water Pollution Control Act, the Marine Protection, Research, and Sanctuaries Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act), provided that the information: (1) Encompasses that required by Part IX (c) through (f); and (2) is from now on submitted within the time constraints set forth in Part IV and identified as a section 8(e) notice in accordance with Part IX(b);

(c) Has been published in the scientific literature and referenced by the following abstract services: (1) Agricola, (2) Biological Abstracts, (3) Chemical Abstracts, (4) Dissertation Abstracts, (5) Index Medicus, (6) National Technical Information Service.

(d) Is corroborative of well-established adverse effects already documented in the scientific literature and referenced as described in (c) above, unless such information concerns emergency incidents of environmental contamination as described in Part V(c), or

(e) Is contained in notification of spills under section 311(b)(5) of the Federal Water Pollution Control Act.

VIII. Information First Received by a Person Prior to the Effective Date of TSCA

Any substantial risk information possessed by a person prior to January 1, 1977, of which he is aware after that date shall be reported within 60 days of publication of this policy statement. The Agency considers that a person is "aware" of:

(a) Any information reviewed after January 1, 1977, including not only written reports, memoranda and other documents examined after January 1, 1977, but also information referred to in discussions and conferences in which the person participated after January 1, 1977;

(b) Any information the contents of which a person has been alerted to by date received after January 1, 1977, including any information concerning a chemical for which the person is presently assessing health and environmental effects;

(c) Any other information of which the person has actual knowledge.

IX. Reporting Requirements

Notices shall be delivered to the Document Control Officer, Chemical Information Division, Office of Toxic Substances (WH-557), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

A notice should:

(a) Be sent by certified mail, or in any other way permitting verification of its receipt by the Agency,

(b) State that it is being submitted in accordance with section 8(e),

(c) Contain the job title, name, address, telephone number, and signature of the person reporting and the name and address of the manufacturing, processing, or distributing establishment with which he is associated,

(d) Identify the chemical substance or mixture (including, if known, the CAS Registry Number),

(e) Summarize the adverse effects being reported, describing the nature and the extent of the risk involved, and

(f) Contain the specific source of the information together with a summary and the source of any available supporting technical data.

For emergency incidents of environmental contamination (see Part V(c)), a person shall report the incident to the Administrator by telephone as soon as he has knowledge of the incident (see below for appropriate telephone contacts). The report should contain as much of the information required by instructions (b) through (f) above as possible. A written report, in accordance with instructions (a) through (f) above, is to be submitted within 15 days. Twenty-four hour emergency telephone numbers are:

Region I (Maine, Rhode Island, Connecticut, Vermont, Massachusetts, New Hampshire), 617-223-7265.
Region II (New York, New Jersey, Puerto Rico, Virgin Islands), 201-548-8730.
Region III (Pennsylvania, West Virginia, Virginia, Maryland, Delaware, District of Columbia), 215-597-9898.
Region IV (Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida), 404-881-4062.
Region V (Wisconsin, Illinois, Indiana, Michigan, Ohio, Minnesota), 312-353-2318.
Region VI (New Mexico, Texas, Oklahoma, Arkansas, Louisiana), 214-749-3840.
Region VII (Nebraska, Iowa, Missouri, Kansas), 816-374-3778.
Region VIII (Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota), 303-837-3880.
Region IX (California, Nevada, Arizona, Hawaii, Guam), 415-556-6254.
Region X (Washington, Oregon, Idaho, Alaska), 206-442-1200.

X. Confidentiality Claims

(a) Any person submitting a notice to EPA under section 8(e) of TSCA may assert a business confidentiality claim covering all or part of the information contained in the notice. Any information covered by a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2 (41 FR 36902, September 1, 1976).

(b) If no claim accompanies the notice at the time it is submitted to EPA, the notice will be placed in an open file to be available to the public without further notice to the submitter.

(c) To assert a claim of confidentiality for information contained in a notice, the submitter must submit two copies of the notice.

(1) One copy must be complete. In that copy the submitter must indicate what information, if any, is claimed as confidential by marking the specified information on each page with a label such as "confidential," "proprietary," or "trade secret."

(2) If some information in the notice is claimed as confidential, the submitter must submit a second copy. The second copy must be complete except that all information claimed as confidential in the first copy must be deleted.

(3) The first copy of the notice will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2. The second copy will be placed in an open file to be available to the public.

(d) Any person submitting a notice containing information for which they are asserting a confidentiality claim should send the notice in a double envelope.

(1) The outside envelope should bear the same address outlined in section IX of this policy statement.

(2) The inside envelope should be clearly marked "To be opened only by the OTS Document Control Officer."

XI. Failure To Report Information

Section 15(3) of TSCA makes it unlawful for any person to fail or refuse to submit information required under section 8(e). Section 16 provides that a violation of section 15 renders a person liable to the United States for a civil penalty and possible criminal prosecution. Pursuant to section 17, the Government may seek judicial relief to compel submittal of section 8(e) information and to otherwise restrain any violation of section 8(e).

Appendix A.—Quick Reference Summary for Emergency Incidents of Environmental Contamination

A. What should be reported as an emergency incident

An emergency incident of environmental contamination is "any environmental contamination by a chemical substance or mixture . . . which, because of the pattern, extent and amount of contamination, (1) Seriously threatens humans with cancer, birth defects, mutation, death, or serious or prolonged incapacitation, or (2) seriously threatens non-human organisms with large scale or ecologically significant population destruction". (See Part V(c) for complete description.)

B. What need not be reported as an emergency incident

Information contained in notification of spills under section 311(b)(5) of the Federal Water Pollution Control Act (FWPCA). (For a complete list of exemptions to reporting, see Part VII.)

C. When and where to report emergency incidents

Emergency incidents of environmental contamination are to be reported immediately by telephone to the appropriate EPA Regional 24-hour telephone emergency line listed below.

Region I (Maine, Rhode Island, Connecticut, Vermont, Massachusetts, New Hampshire), 617-223-7265.
Region II (New York, New Jersey, Puerto Rico, Virgin Islands), 201-548-8730.
Region III (Pennsylvania, West Virginia, Virginia, Maryland, Delaware, District of Columbia), 215-597-9898.
Region IV (Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida), 404-881-4062.
Region V (Wisconsin, Illinois, Indiana, Michigan, Ohio, Minnesota), 312-353-2318.
Region VI (New Mexico, Texas, Oklahoma, Arkansas, Louisiana), 214-749-3840.
Region VII (Nebraska, Iowa, Missouri, Kansas), 816-374-3778.
Region VIII (Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota), 303-837-3880.
Region IX (California, Nevada, Arizona, Hawaii, Guam), 415-556-6254.
Region X (Washington, Oregon, Idaho, Alaska), 206-442-1200.

In addition, a written report, in accordance with instructions (a) through (f) of Part IX, is to be submitted within 15 days to the Document Control Officer, Chemical Information Division, Office of Toxic Substances (WH-557), 401 M Street SW., Washington, D.C. 20460.

Appendix B—Significant Comments and Responses

A. Persons subject to these requirements

Comment 1: Employees cannot be held subject to these requirements, since: (a) They only have a partial role in the manufacture, processing, or distribution of chemicals, (b) in other sections of TSCA, the term "person who manufactures, processes, or distributes" chemicals clearly refers to business organizations; "persons" should be consistently defined, and (c) the application of criminal penalties mandates a strict interpretation of this word.

Response: The Agency considers that different sections of TSCA, having different purposes, are appropriately directed to different respondents. In the case of section 8(e), officers and employees who are capable of appreciating the significance of information have a legitimate responsibility to be alert to and report substantial-risk information. The guidance has been modified so that natural persons and business entities can fulfill their section 8(e) obligations in different ways. Most officers and employees can discharge their section 8(e) obligations by submitting pertinent information to corporate superiors, provided that the company has established the risk-evaluation procedures characterized in Part II. In the case of a business organization, its president, chief executive officer, and other officials responsible and having authority for the business organization's execution of its section 8(e) obligations must ensure that the organization reports substantial-risk information to EPA.

Comment 2: Even if employees can be held subject to these requirements, they should not be. To do so would force employees and employers into conflicting positions, inviting internal corporate dissension and over- reporting. Further, individuals often do not have the overview necessary to reach considered, well-supported decisions. Corporate reporting by designated officials will provide EPA with more reliable data.

Response: The Agency considers that employees have a legitimate role in risk reporting; it is imperative that risk information obtained by employees be appropriately considered. Officers and employees can fulfill their role in the reporting of substantial-risk information, without the disadvantages described above, by reporting information to superiors for corporate consideration, and, having done so, will have discharged their obligation to EPA. This is contingent upon the establishment by the business organization of certain procedures for risk-evaluation, thereby assuring the appropriate consideration of such reports. Those officers responsible and having authority for the organization's execution of its section 8(e) obligations must ensure that the organization reports substantial-risk information to EPA.

Comment 3: Clarify which employees are covered, and the extent of their obligation. Are employees "capable of appreciating pertinent information" by virtue of rank, or knowledge? Are rank and file employees subject to these requirements, or just supervisory and managerial personnel, company toxicologists, etc.? Is an employee absolved of further responsibility if he reports to his supervisor?

Response: The Agency considers that the phrase "capable of appreciating the significance of pertinent information" appropriately describes those officers and employees who have a responsibility to be alert to and report substantial-risk information, including not only relatively senior corporate officers but also many corporate employees. The policy statement modifies the September 9 proposal, in response to the concerns expressed in Comments 2 and 3, to permit most officers and employees to discharge their obligation by submitting information to corporate superiors, subject to the conditions described in Part II.

Comment 4: Consultants and independent labs should not be subject to these requirements.

Response: Contractors and independent labs are not responsible for reporting information they have obtained directly to EPA; rather, their client manufacturers, processors and distributors are responsible for reporting such information.

B. THE "OBTAINING" OF INFORMATION

Comment 5: The "may suggest" criterion in Part III of the proposal serves to compel further examination of information that by itself is not subject to section 8(e) requirements. The statutory language calling for "reasonable support" does not support this. Further, risk assessment often requires anywhere from months to several years of study after preliminary results "suggest" risk, far exceeding the 15-day compliance period.

Response: The Agency does not intend to compel under section 8(e) examination of information that by itself is not subject to section 8(e) requirements and has deleted the "may suggest" provision, providing its interpretation of what constitutes evidence that "reasonably supports the conclusion" of substantial risk in a new Part VI.

Comment 6: Section 8(e) obligations are incurred upon obtaining conclusory substantial-risk information.

Response: The Agency disagrees, and considers that "reasonable support" of a conclusion of substantial risk is not identical to the conclusion itself. The former typically occurs, and must be reported, at an earlier stage.

Comment 7: The statement, in Part III of the proposal that a person has obtained information if he ". . . should know of the existence of such information not in his possession but which would be delivered to him on request," tends to compel an active search for substantial-risk information rather than the reporting of substantial-risk information a person "obtains." This is of particular concern to importers with limited access to information possessed by their suppliers.

Response: The Agency considers that section 8(e) applies to information which a person possesses or of which he knows. It is not intended to compel searches for information or extraordinary efforts to acquire information. The Agency further considers, however, that "known" information includes information which a prudent person similarly situated could reasonably be expected to know. Negligence or intentional avoidance of information does not absolve a person of his section 8(e) obligation. Part III has been modified to express these intentions.

Comment 8: Circumstances can exist when coming "into possession" of risk information does not correspond to an understanding of the implications of the information; "obtains" should be defined in terms of possession of information and awareness of its import.

Response: The "obtaining" of information occurs via persons who are "capable of appreciating the significance of pertinent information." There will likely be circumstances in which the evaluation of information clarifies its full import; the establishment of corporate procedures for processing risk-information prescribed in Part II will expedite this.

C. TIME ALLOWED FOR COMPLIANCE

Comment 9: Fifteen calendar days is insufficient to determine whether information which "may suggest" substantial risk should be reported; it is even insufficient to accommodate normal procedural time constraints (corporate processing, mailing, holidays, etc.).

Response: The Agency has changed the compliance period to 15 business days. It is imperative that procedures be established to expedite the reporting of substantial-risk information, not that reporting conform to existing procedures.

Comment 10: Allow from 30 to 90 days for the second phase of reporting; alternatively, do not prescribe a time limit for additional reporting.

Response: Having deleted the "may suggest" criterion, the Agency sees no need to provide a second phase to the reporting period. Supplemental information that is generated after a section 8(e) notification should, if appropriate, be immediately reported.

Comment 11: Allow from 30 to 120 days to report pre-1977 information; this period should commence: (a) upon final publication, (b) January 1, 1978, (c) following the inventory reporting period since many of the same corporate personnel will be implementing both requirements.

Response: The policy statement prescribes a 60 day reporting period, commencing immediately upon publication. Section 8(e) has been in effect since January 1, 1977; postponement in reporting substantial-risk information is not warranted.

D. EFFECTS AND INFORMATION THAT MUST BE REPORTED

Comment 12: The reporting of "any instance" of cancer, birth defects, etc., in humans is too broad and such information will be of little use; chemical workers, like the general population, develop cancers and other ailments of uncertain etiology.

Response: This policy statement clarifies that the reporting of single occurrences of human cancer or other serious effects will depend upon evidence strongly implicating one (or a few) chemical(s).

Comment 13: Dermal ailments and nausea are poorly chosen examples of precursor symptoms. Deleting these examples will avoid unduly emphasizing them when other symptoms may be more important, yet will not eliminate the obligation to report them if they are suspected precursors.

Response: The Agency agrees.

Comment 14: How are reportable data distinguished from routine tests including range tests such as LD_{50}'s?

Response: This policy statement directs the reporting of specified effects when unknown to the Administrator. Many routine tests are based on a knowledge of toxicity associated with a chemical; unknown effects occurring during such a range test may have to be reported if they are those of concern to the Agency and if the information meets the criteria set forth in Parts V and VI.

Comment 15: The most widespread "in vitro" test is the Ames test, which is subject to considerable debate. Clarify the circumstances under which positive results of in vitro tests must be reported.

Response: Part VI clarifies that the reporting of in vitro tests will depend upon the existence of corroborative information if necessary to reasonably support the conclusion of substantial risk.

Comment 16: The description of "extreme persistence" as a substantial risk is an example of the need to redefine Part V(c) ("Environmental Effects"). Persistence and bioaccumulation should be considered risks only when coupled with toxicity and significant exposure.

Response: Part V now clarifies those effects for which reporting depends upon a significant exposure potential. Persistence by itself is no longer itemized as a reportable effect but rather is considered to be a component of exposure potential; it may also underlie the measurements described in Part V(b)(1). Laboratory indicators of pronounced bioaccumulation are to be reported when coupled with potential for widespread exposure and any non-trivial adverse effect.

Comment 17: The n-octanol/water partition coefficient addresses a physico-chemical property, not biological effects, and is not alone an indicator of substantial risk; further, the values stated for the coefficient and the bioaccumulation factor in fish do not correspond.

Response: The Agency acknowledges the numerical error and has amended the values to correspond. This policy statement now directs the reporting of an experimental measurement of bioaccumulation when coupled with an adverse effect and potential for widespread exposure.

Comment 18: The requirement that information which "links" an effect to a chemical be reported is too broad and contradicts the statutory language of "reasonably supports".

Response: The Agency has provided in a new Part VI its interpretation of "reasonably supports".

Comment 19: A determination that information "reasonably supports the conclusion" of substantial risk cannot be made independently of considerations of use since the method and manner of using a chemical may influence the occurrence of an effect; in particular, the criteria should reflect a distinction between normal and abnormal uses of chemicals.

Response: The Agency considers that the appropriate components of a "substantial risk" with respect to a chemical are (a) the seriousness of the effect, and (b) total exposure potential. The method and manner of using a chemical is one of several factors determining its exposure potential. As described in Part V, the importance of exposure potential as a component of "substantial risk" depends upon the kind of effect of concern. Thus, the effects described in Part V(a) are so serious that relatively little weight is given to exposure; the effects described in Parts V (b) and (c) involve a significant exposure or exposure potential.

The Agency further considers that a definition of "normal" use for a particular chemical will often depend upon a knowledge of the risks associated with the chemical.

E. INFORMATION THAT NEED NOT BE REPORTED

Comment 20: Information published in scientific literature in languages other than English should be exempted if published in summary form by abstracting services. Can the accuracy of English language abstracts and commercial translations of foreign literature be assumed?

Response: This policy statement now provides that information published in scientific literature, whether in English or another language, is exempt from reporting if published in summary form by certain specified abstract services.

Comment 21: Information exchange systems with other Federal agencies should be immediately established so that respondents need not report to EPA information already reported to other Agencies, and vice versa. Such duplicative reports are unduly burdensome.

Response: EPA is coordinating this program with other agencies now. When this coordination is successfully completed, the policy statement will be amended to exempt from the reporting requirement information that has been submitted to other specified agencies. In the meantime, substantial-risk information must be reported directly to EPA; such a report does not discharge any reporting obligation to other agencies.

F. INFORMATION FIRST RECEIVED PRIOR TO THE EFFECTIVE DATE OF TSCA

Comment 22: The tense of the verb "obtains" reveals that section 8(e) was intended to be applied prospectively to information newly acquired after January 1, 1977. Utilize section 8(d) or other rules to acquire information obtained before then.

Response: As discussed in the preamble to the September 9 proposal, the Agency considers section 8(e) to apply to risk information possessed by or known to a person before, on, or after January 1, 1977. Concerning information first obtained before 1977, this policy statement continues to require reporting of information received if a person has been aware of it since January 1, 1977, for the reasons discussed in the September 9 preamble.

Comment 23: The term "aware" is too vague to be of any help in responding to these requirements. Since many corporate employees are potentially subject to these requirements, and given uncertainty over the extent to which they ought to be aware of pre-1977 information, this provision tends to compel the very file search it was intended to avoid. The term "aware" should be further defined, possibly in terms of actual knowledge.

Response: The Agency in Part VIII of this policy statement now defines the pre-1977 information of which a person is considered to be aware.

G. CONFIDENTIAL INFORMATION

Comment 24: EPA should delay guidance until procedures are published governing the treatment of confidential submissions.

Comment 25: EPA should treat all submissions as confidential until the information is verified.

Comment 26: EPA should automatically publish section 8(e) notices.

Response to Comments 24 through 26: EPA has included a new Part X which describes how to submit a claim of confidentiality and states that any or all of the information submitted may be claimed as confidential. Such information will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2.

H. MISCELLANEOUS

Comment 27: What is the statutory basis or need for guidance? What is its exact status under the Administrative Procedure Act?

Response: This policy statement sets forth EPA's interpretation of and policy concerning TSCA section 8(e). As an interpretive rule and statement of policy it is not subject to the comment period and delayed effective date provisions of the Administrative Procedure Act (5 U.S.C. 553). Although TSCA does not mandate a policy statement, the Agency of necessity must develop the criteria which will govern enforcement activities. Trade associations and businesses were among those who previously expressed interest in such a statement to guide their compliance.

Comment 28: Clarify whether these requirements apply to chemicals previously but no longer manufactured, processed, or distributed in commerce by a person.

Response: Information obtained before 1977 must be reported if the person has been aware of it since January 1, 1977, as prescribed by Part VIII. Concerning chemicals which a person has discontinued manufacturing, processing, or distributing since January 1, 1977, information obtained before the time of discontinuation is subject to these requirements. It is expected that the acquisition of information after that time will be minimal; however, should additional information be acquired, it may trigger the reporting described in Part VIII.

Comment 29: Clarify the meaning of "substantial risk" relative to other risks addressed by TSCA.

Response: A substantial risk is defined in Part V(a) of this policy statement as a risk of considerable concern because of (a) the seriousness of the effect, and (b) the fact or probability of its occurrence. As opposed to other risks addressed by TSCA, economic or social benefits of use, or costs of restricting use, are not to be considered in determining whether a risk is "substantial".

Comment 30: To what extent are "users" of chemicals subject to these requirements?

Response: The Agency considers that many industrial uses of chemicals actually fall within the scope of "processing" chemicals. A manufacturer, processor, or distributor who obtains substantial-risk information concerning chemicals he handles should be alert to the possibility he may have to report it.

Comment 31: Are chemicals manufactured, processed and distributed in commerce in small quantities solely for purposes of research and development subject to these requirements?

Response: In general, the Agency considers that much manufacturing, processing, and distribution in commerce of chemicals in small quantities solely for purposes of research and development is conducted for "commercial purposes". Such purposes would include the sale and distribution of such materials, as well as their use by the manufacturer or processor in activities (for example, product research and development and studies assessing the feasibility and safety of using chemicals) preceding his or a client's commercial use of such materials or others on a larger scale.

As described in Part V, the Agency considers that "substantial risks" depend in part upon an exposure potential. Thus, the occurrence of the effects described in Part V(a) presuppose exposure to the chemical and must be reported; reporting of the other effects will depend upon a potential for significant levels of exposure.

Comment 32: Are raw materials, intermediates, and inert ingredients produced or used in the manufacture of a pesticide subject to TSCA?

Response: The Administrator considers that raw materials, intermediates and inert ingredients produced or used in the manufacture of a pesticide are substances or mixtures which can be regulated under TSCA.

In order to be considered a pesticide, a substance must be intended for use as a pesticide. Raw materials, intermediates, and inert ingredients produced or used in the manufacture of a pesticide are not themselves regulated under FIFRA (unless they happen to be pesticides themselves) and, therefore, are subject to TSCA. The pesti-

cide regulations at 40 CFR 162.4 are consistent with this view.

Comment 33: Are intermediates and catalysts intended solely for use in the production of a food, food additive, drug, cosmetic, or device subject to TSCA?

Response: The Administrator considers that intermediates and catalysts intended solely for use in the production of a food, food additive, drug, cosmetic, or device are excluded from regulation under TSCA. The definitions of the FFDCA provide that chemical substances which are intended for use as a component of a food, food additive, drug, cosmetic, or device are encompassed within the meaning of such terms, respectively. The FDA considers intermediates and catalysts to be such components. Therefore, they are subject to regulation under the FFDCA. Any such substance is excluded from regulation under TSCA insofar as it is actually manufactured, processed, or distributed in commerce solely for use in the production of a food, food additive, drug, cosmetic, or device.

Comment 34: Employees should have the option to submit reports anonymously.

Response: EPA considers that any person may report information to EPA under TSCA. Those who are required to do so under section 8(e) are persons who manufacture, process, or distribute in commerce chemical substances or mixtures, including not only business entities but also such employees as described in Part II. In order to establish that such persons have discharged their obligations, and in order to encourage responsible review of the quality of information and the substantiality of risks, EPA believes that notifiers should identify themselves. Section 23 will adequately protect employees from discrimination pursuant to notifications they have made under section 8(e).

[FR Doc. 78-7064 Filed 3-15-78; 8:45 am]

federal register

THURSDAY, MARCH 16, 1978
PART VI

COST ACCOUNTING STANDARDS BOARD

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COST ACCOUNTING STANDARDS

Indirect Cost Allocation

[1620-01]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Parts 417, 418, 419, 420, 421]

COST ACCOUNTING STANDARDS

Indirect Cost Allocation

AGENCY: Cost Accounting Standards Board.

ACTION: Proposed rule.

SUMMARY: The Board is proposing five Standards which would deal with the allocation of various indirect costs. When adopted the Standards will apply to negotiated national defense contracts subject to Pub. L. 91-379. The Standards are the result of an extensive study which the Board has undertaken as part of its responsibility to achieve uniformity and consistency in the cost accounting principles to be followed by defense contractors and subcontractors under Federal contracts.

DATE: Comments are due July 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur Schoenhaut, Executive Secretary, Cost Accounting Standards Board, 441 G Street NW., Washington, D.C. 20548, 202-275-6111.

SUPPLEMENTARY INFORMATION: For some time the Cost Accounting Standards Board has had underway a comprehensive project to deal with the allocation of direct and indirect costs to cost objectives. After extensive research the five proposed Standards being published today have been developed. The Standards deal with various aspects of indirect costs as indicated by the following table.

Type of indirect cost pool	Purpose of the pool	Appropriate allocation measure(s)
Service center	Accumulates indirect costs relating to provision of services.	Generally a consumption measure or an output measure; when lacking both, a surrogate.
Overhead pool	Accumulates indirect costs relating to the measurement of production-related functional activities.	A broad-based measure such as total direct labor hours representative of management activities relating to production.
Business unit G&A expenses	Accumulates indirect costs relating to overall management activities.	A broad-based measure such as total cost input relevant in the contest of overall management activities related to the business unit.
Other	Accumulates those indirect costs not covered by any other specific cost accounting standard.	A hierarchy of allocation measures in descending order of preferability.

The five Standards being proposed involve the following:

Cost Accounting Standard 417—Distinguishing Between Direct and Indirect Costs

Cost Accounting Standard 417 provides criteria for consistency in determining which costs shall be specifically identified with and allocated to the final cost objectives of a period, as direct costs. It requires that all costs that satisfy these criteria must be accounted for as direct costs. It provides generally that costs not meeting the criteria for a direct cost shall be classified as indirect and be grouped in homogeneous indirect cost pools for allocation to cost objectives in accordance with the requirements of other Cost Accounting Standards and the contractor's disclosed or established cost accounting practices.

Cost Accounting Standard 418—Allocation of Service Center Costs

Cost Accounting Standard 418 provides a hierarchy of measures for the allocation of service center costs. In descending order of preferability the allocation measures are: (1) a resource consumption measure, (2) an output measure, and (3) a surrogate that is representative of resources used. CAS 418 allows the use of standard costs in allocating service center costs. It also provides guidelines in allocating such service center costs among service centers.

Cost Accounting Standard 419—Allocation of Material-Related Overhead Costs

Cost Accounting Standard 419 provides for accumulating the material-related overhead costs of a business unit into at least one overhead pool. The material-related overhead pool(s) will be allocated to final cost objectives and other specified cost objectives using a measure expressed in terms of either direct material cost or a physical characteristic of direct materials. The proposed Standard gives guidance for the number and type of overhead pools to be established. However, a single overhead pool is permitted provided substantially the same allocation results as would result if several pools were used.

Cost Accounting Standard 420—Allocation of Manufacturing, Engineering, and Comparable Overhead Costs

Cost Accounting Standard 420 provides for accumulating all overhead costs, except material-related overhead costs, in three types of pools. The types of pools to be established are determined by application of the criteria provided in the Standard to a business unit's production circumstances. The proposed Standard provides for allocation of overhead costs to final cost objectives and other specified cost objectives. It also establishes the criteria concerning the selection and composition of the allocation bases.

Cost Accounting Standard 421—Allocation of Indirect Costs

Cost Accounting Standard 421 provides that when items of indirect cost are not specifically covered by any other Cost Accounting Standard, CAS 421 governs the accumulation of costs in indirect cost pools and the selection of allocation measures based on the beneficial or causal relationship. The Standard provides for guidance in determining the homegeneity of an indirect cost pool, and establishes a hierarchy of allocation measures: (1) a measure of resource consumption, (2) an output measure, (3) a surrogate for consumption or output, or (4) a measure representative of the benefiting activities.

Interested parties have suggested to the Board that comments on any Standards in this area could be better prepared if all the Standards currently being proposed to cover this cost accounting area were published together. The Board believes that this suggestion has merit. Consequently, it has delayed publication of several of these Standards until this time. It has also been suggested to the Board that Standards resulting from this proposal should have the same effective date. Such action, the Board has been advised, will simplify the implementation process significantly. The Board's research indicates that this suggestion also has merit. Therefore it is intended that all promulgations which result from this proposal will be published at the same time and will have a common effective date.

The Board recognizes that the five proposed Standards which represent a major undertaking by the Board involve complex accounting matters. Analysis by those interested in submitting comments on the proposals is likely to require more than the ordinary length of time. In recognition of this, the Board has determined that an extended period of time should be allowed for comment. Therefore, the due date for comments on these pro-

posals has been established as July 17, 1978. Interested parties are invited to submit written comments by that date. All written comments made pursuant to this notice will be made available for public inspection at the Board's office during regular business hours.

In order to facilitate analysis by both the Board and members of the public, those who comment are urged to separate comments relating to individual Standards from their general evaluations. Commentators are also urged to submit any data regarding any increases or decreases in costs that might result from thse Standards and whether any such increases or decreases would be one-time or continuing. Such data together with other comments will assist the Board in evaluating the proposed costs of implementation of the Standards, including inflationary effects if any, and the probable benefits including advantages and improvements in the pricing, the administration, and the settlement of contracts. Information on costs, inflationary effects, and benefits may be submitted on the basis of either a Standard by Standard analysis or an evaluation of all five Standards as a unit.

It is proposed to add new parts 417, 418, 419, 420, and 421 to read as follows:

PART 417—DISTINGUISHING BETWEEN DIRECT AND INDIRECT COSTS

Sec.
417.10 General applicability.
417.20 Purpose.
417.30 Definitions.
417.40 Fundamental requirement.
417.50 Techniques for application.
417.60 Illustrations.
417.70 Exemptions.
417.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.

§ 417.10 General applicability.

General applicability of this Cost Accounting Standard is established by section 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 417.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for distinguishing direct costs from indirect costs based on the relationship of costs to final cost objectives.

§ 417.30 Definitions.

(a) The following are definitions of terms prominent in this Standard:

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Cost objective.* A function, organizational subdivision, contract, or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(3) *Direct cost.* Any cost which is identified specifically with a particular final cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with a contract are direct costs of that contract. All costs identified specifically with other final cost objectives of the contractor are direct costs of those cost objectives.

(4) *Final cost objectives.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation system, is one of the final accumulation points.

(5) *Indirect cost.* Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(6) *Indirect cost pool.* A grouping of incurred costs identified with two or more cost objectives but not identified with any final cost objective.

§ 417.40 Fundamental requirement.

(a) A cost shall be accounted for as a direct cost and be allocated only to the final cost objective with which it is identified if:

(1) The beneficial or causal relationship between the incurrence of the cost and the final cost objective is clear and exclusive; and,

(2) The amount of the cost identified with a resource used directly on or applied directly to the final cost objective is readily and economically measurable without undue administrative effort; and,

(3) All other costs incurred for the same purpose in like circumstances can also be identified specifically with particular final cost objectives and accounted for as direct costs in compliance with 4 CFR 402.

(b) Costs which do not satisfy the criteria of (a) above shall be identified and accounted for as indirect costs, and grouped in homogeneous indirect cost pools for allocation to cost objectives in accordance with applicable Cost Accounting Standards and the contractor's disclosed or established cost accounting practices.

§ 417.50 Techniques for application.

(a) (1) The beneficial or causal relationship between the incurrence of a cost and a final cost objective shall be deemed to be clear and exclusive if the unit of labor, material, or other type of resource (resource) with which that cost is identified is used on or applied to that final cost objective and that resource is separable from resources used on other cost objectives.

(2) Costs identified with a resource used directly on or applied directly to a final cost objective shall be limited to the costs of that resource that vary directly with its consumption.

(b) Where the units of a resource used directly on or applied directly to final cost objectives are interchangeable, and the cost of that resource meets the requirements of § 417.40(a), the amount of cost to be allocated to particular final cost objectives may be determined on the basis of an average cost of the units used or applied. Costs accounted for in this manner are direct costs.

(c) Costs allocated to final cost objectives from a service center shall be treated as other direct costs of those final cost objectives.

(d) Costs incurred in the production of goods for multiple final cost objectives may be accumulated in an intermediate cost objective and be allocated to the final cost objectives receiving the output of that production on the basis of a cost per unit of such output. Costs accounted for in this manner shall be treated as direct costs of the final cost objectives.

(e) Direct costs of minor dollar amount may be accounted for as indirect costs as provided for in 4 CFR 402.50(e)

§ 417.60 Illustrations.

(a) Contractor A has various classifications of engineers whose time is spent in working directly on the production of the goods or services called for by contracts and other final cost objectives. The circumstances under which they work are such that it is practical and economical to keep detailed time records of all work performed by these engineers, and to report all hours worked against pre-established job/account numbers representing particular cost objectives. On the basis of these detailed time reports, Contractor A allocates the labor costs of these engineers as direct labor costs of final cost objectives. This practice is in compliance with the requirements of § 417.40(a).

(b) Contractor B has personnel who work on budgets, job cost analyses, and reports, under circumstances in which their time cannot practically and economically be identified with particular final cost objectives on a consistent basis. Contractor B accounts for the labor costs of these employees as indirect costs in accordance with his established cost accounting practices. This is in compliance with the requirements of § 417.40(b).

(c) Contractor C has a paint shop, employees of which spray-paint units of the work-in-process of multiple final cost objectives. These employees are grouped in homogeneous groupings, and records are maintained of the time spent by each employee on the work identified with particular final cost objectives. An average wage rate is established for each group. These average rates are applied consistently covering all of the spray-painting work performed by all employees in each group. The resultant costs are allocated as direct labor costs to each final cost objective. This cost accounting treatment is in compliance with the provisions of § 417.50(b).

(d) Contractor D has a shop in which units of material for various final cost objectives are painted. The labor performed by employees working on material for final cost objectives meets the clear and exclusive test set out in § 417.50(a)(1), and can be specifically identified with the individual final cost objectives. Also, the costs of that labor satisfy all requirements of § 417.40(a). The contractor charges the costs of the paint shop as direct labor costs of the final cost objectives worked on, by means of a rate that includes not only the labor costs, but also the costs of materials, and other costs of the paint shop. This rate is based on the hours of direct labor performed by the shop. Section 417.40(a) requires that the labor costs be allocated to the final cost objectives worked on. Further, in accordance with § 417.50(a)(2), the direct labor costs charged to the FCO's can include only the costs of the labor resource and cannot include materials and other costs of the paint shop. Contractor D's practices are not in compliance with CAS 417.

(e) Contractor E has a plating shop, but is not able to readily and economically identify the labor time spent on particular final cost objectives. Contractor E therefore establishes the plating shop as a service center, the composite labor, material, and other costs of which are allocated to final cost objectives based on a measurement of output, and are treated as other direct costs. This practice is in accordance with the provisions of § 417.50(c).

(f) Contractor F uses a process cost system in the production of parts and components which are to be used on multiple final cost objectives. The accumulated labor, material, and other costs of each process are identified with the output of that process on the basis of a composite cost per unit of such output. The costs thus identified with particular units of output are subsequently allocated from the process cost center as direct costs of the individual final cost objectives with which the output is specifically identified. This practice is in compliance with § 417.50(d).

§ 417.70 Exemptions.

None for this Standard.

§ 417.80 Effective date.

(a) The effective date of this Standard is [reserved].

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

PART 418—COST ACCOUNTING STANDARD ALLOCATION OF SERVICE CENTER COSTS

Sec.
418.10 General applicability.
418.20 Purpose.
418.30 Definitions.
418.40 Fundamental requirement.
418.50 Techniques for application.
418.60 Illustrations.
418.70 Exemptions.
418.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.

§ 418.10 General applicability.

General applicability of this Cost Accounting Standard is established by section 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 418.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for the allocation of service center costs to other cost objectives based on the beneficial or causal relationship between such costs and those cost objectives. Consistent application of these criteria will improve cost allocation.

§ 418.30 Definitions.

(a) The following are definitions of terms prominent in this Standard.

(1) *Indirect cost.* Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(2) *Indirect cost pool.* A grouping of incurred costs identified with two or more cost objectives but not identified specifically with any final cost objective.

(3) *Service center.* An intermediate cost objective which accumulates cost of services provided to other cost objectives, which services can be identified specifically with such other cost objectives.

(4) *Standard cost.* Any cost computed with the use of pre-established measures.

§ 418.40 Fundamental requirement.

Service center costs shall be allocated to cost objectives in reasonable proportion to the beneficial or causal relationship of the service center to those cost objectives, by means of one of the following bases of allocation, listed in the descending order of preferability: (1) a resource consumption measure, (2) an output measure, or (3) a surrogate that is representative of resources used.

§ 418.50 Techniques for application.

(a) *Selection of allocation measures for a service center.* (1) Where two or more types of resources are consumed in the course of providing services, and where the consumption of these resources tends to be proportional with respect to a single measure, that single measure may be used as the consumption measure of the service center, and serve as the basis of allocation of costs of the service center.

(2) Where consumption measures are unavailable or impractical to ascertain, the basis of allocation may be a measurement of the output of the service center. Output is measured in terms of units of end product produced by the service center, such as the number of printed pages for a print shop.

(3) Where both consumption measures and output measures are unavailable or impractical to ascertain, the basis of allocation shall be a measure of the activity of the cost objectives receiving services from the service center; this measure, a surrogate, shall be representative of the resource consumption or of the output of the service center.

(4) Where a service center provides a number of services of different value of magnitude and the use of a single allocation measure does not adequately reflect the proportional consumption of resources, more than one measure shall be used. Each such measure shall be representative of the cost of the resources consumed to perform the services rendered.

(5) Where two or more cost objectives receive services simultaneously, the measure of consumption or of output during such simultaneous performance of service shall be prorated between or among these cost objectives.

(b) *Composition of costs of a service center.* Costs of a service center shall include both: (i) costs incurred by the sservice center, and (ii) costs allocated to it.

(c) *Use of standard costs.* (1) Where: (i) The total cost of a service center for a cost accounting period is pre-established, and (ii) the total quantity of

services to be provided in a cost accounting period is pre-esbablished, the resulting computation is a standard cost. Standard costs may be used in allocation costs of a serivce center.

(2) Where standard costs are in use in allocating costs of a service center, and where variances of a cost accounting period are material, these variances shall be disposed of by allocating to benefiting cost objectives in proportion to standard costs initially allocated to these cost objectives.

(d) *Allocation of costs among service centers.* (1) Allocation of costs from a service center to other service centers shall be made when the cost of services provided is significant and when the allocation results in a materially different allocation of cost to final cost objectives.

(2) Allocation of costs among service centers may be accomplished either: (i) by allocating costs of services provided to and received from other service centers (often called the cross-allocation or reciprocal method), or (ii) by allocation costs from service centers to other service centers in a predetermined order (often called the sequential method).

(3) When the allocation from service centers to other service centers is made in a predetermined order, a service center whose costs have already been allocated receives no further allocation from other service centers. The order of allocation shall be established to minimize the effect of not allocating costs to those service centers whose costs had been previously allocated. This order of allocation shall be established by allocating first the costs of service centers which generally receive the smallest amount of costs from other service centers and allocating last those service centers which generally receive the largest amount of costs from other service centers.

(e) *Frequency of cost allocation or standard-cost revision.* (1) Costs of service centers shall be allocated on an annual basis.

(2) Where standard costs are used to allocate the cost of a service center, such standard costs shall reflect the anticipated cost for the cost accounting period. Such standard costs shall be reviewed at least annually, and revised as necessary to reflect the anticipated conditions. The revised standard costs shall be made effective after the variances have been disposed of as provided for in paragraph (c)(2) above.

§ 418.60 Illustrations.

(a) Contractor A accounts for the costs of its wind tunnel as a service center. Three major types of resources are generally consumed in the course of providing wind-tunnel services to specific cost objectives: (1) the wind tunnel itself, (2) power in running the wind tunnel, and (3) engineers' and operators' services in observing and recording the test results. Contractor A establishes: (1) that a single measure, the machine hour of the wind-tunnel, adequately reflects the consumption of the wind-tunnel resource, and (2) that the consumption of the other two major types of resources tends to be proportional with respect to that single measure. Contractor A selects the wind-tunnel machine hour as the consumption measure of the wind-tunnel service center. Contractor A's practice is in conformance with provisions of § 418.50(a)(1).

(b) Contractor B accounts for the costs of its technical typing services as a service center. In the course of selecting an allocation measure for this service center, Contractor B establishes that consumption measures are unavailable and impractical to ascertain, and decides on using the number of typed pages as allocation measure. Contractor B's approach to selecting an allocation measure and its selection of the number of typed pages, an output measure, as the allocation measure are in conformance with provisions of § 418.50(a)(2).

(c) Contractor C makes use of an online material-cost and labor-cost entry and reporting system, whereby such data are transmitted from terminals located in various production departments to a centralized computer installation. It accounts for the cost of this system as a service center. In the course of selecting an allocation measure for this service center, Contractor C established that consumption measures are unavailable and impractical to ascertain, on the ground that numerous entries are made during each day, each entry requiring only a few seconds of access time. It also establishes that output measures are also unavailable and impractical to ascertain, since the number of departmental cost reports is unrelated to the number of entries initiated from various production departments. Contractor C selects the number of entries made by each production department as the allocation measure, and establishes that this measure, a surrogate, is representative of the resource consumption of this service center. Contractor C's practice is in conformance with provisions of § 418.50(a)(3).

(d) Contractor D accounts for the costs of its data processing operations as a service center. Three major types of services are provided by the data-processing service center: (1) systems analysis and applications programming, (2) central processing unit operations, and (3) off-line printer operations. Some users require strong analysis and programming support, some other users make almost exclusive use of the central processing unit, while still other users require heavy use of the off-line printer. Unable to find a single measure that adequately reflects the proportional consumption of resources associated with the three types of services, Contractor D selects three measures: (1) analysts' and programmers' manhours for the first type of services, (2) central processing unit time for the second, and (3) pages of printout for the third. Contractor D's practice is in conformance with provisions of § 418.50(a)(4).

(e) Contractor E accounts for the costs of its company aircraft as a service center, and selects the number of flight hours, a consumption measure, as the allocation measure. At the end of each trip, Contractor E prorates the flight hours whenever simultaneous services have been rendered, using the flight logbook as the basis, as shown in the following schedule:

Trip No.	Flight hours	Number of passengers by cost objective				Flight hours by cost objective			
		A	*M*	*N*	*Z*	*A*	*M*	*N*	*Z*
1	10	3				10			
2	20		2	1	1		10	5	5
3	15	2		4		5		10	
4	25				3				25

Contractor E's practices are in conformance with provisions of § 418.50 (a)(1) with respect to the selection of allocation measures, and § 418.50(a)(5) with respect to the proration of measures when simultaneous services are involved.

(f) Contractor F maintains a wind tunnel as a service center. It includes depreciation and occupancy costs of the wind tunnel in the engineering overhead pool, and includes other costs relating to the operation of the wind tunnel in the service center. Contractor F's practice is in violation of § 418.50(b), since not all costs incurred by the service center have been included in the service center.

(g) Contractor G allocates costs of its aircraft service center by means of a standard cost based on flight hours. For Year 197X, it budgets the cost of the aircraft service at $300,000, and forecasts the number of flight hours at 1,500 hours, thereby setting a standard cost of $200 per flight hours. During the year, hours of flight time used by, and costs allocated to, cost objectives using the aircraft are as follows:

Cost objectives	Hours flown	Costs allocated
Service center A	500	$100,000
Overhead pool M	100	20,000
Overhead pool N	200	40,000
Contract Z	400	80,000
Total	1,200	240,000

Actual costs of the aircraft service center for year 197X amounts to $390,000, and result in an unfavorable variance of $150,000. Since the variance is material, Contractor G disposes of it by allocating to the above cost objectives as follows:

Cost objectives	Costs initially allocated	Percentage	Amount of variance of $150,000 allocated
Service center A	$100,000	41⅔	$62,500
Overhead pool M	20,000	8⅓	12,500
Overhead pool N	40,000	16⅔	25,000
Contract Z	80,000	33⅓	50,000
Total	240,000	100	150,000

Contractor G's practice is in compliance with provisions of § 418.50(c)(2). It shall also review the standard cost, and revise it as needed, for the following cost accounting period in accordance with provisions of § 418.50(e)(2).

(h) Contractor H maintains five service centers, each of which provides services to other service centers and to other cost objectives. Contractor H allocates none of the costs of each of these service centers to other service centers, but allocates all of these costs only to other cost objectives. This practice is not in accordance with provisions of § 418.50(d)(2), unless Contractor H can demonstrate that its practice does not result in a materially different allocation of cost to final cost objectives, as provided for in § 418.50(d)(1).

§ 418.70 Exemptions.

None for this Cost Accounting Standard.

§ 418.80 Effective date.

(a) The effective date of this Standard is [reserved].

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

PART 419—ALLOCATION OF MATERIAL-RELATED OVERHEAD COSTS

Sec.
419.10 General applicability.
419.20 Purpose.
419.30 Definitions.
419.40 Fundamental requirement.
419.50 Techniques for application.
419.60 Illustrations.
419.70 Exemptions.
419.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.

§ 419.10 General applicability.

General applicability of this Cost Accounting Standard is established by Section 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 419.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for accumulating material-related overhead costs, and for allocating the costs thus accumulated to final cost objectives and other specified cost objectives of the business unit based on the beneficial or causal relationship between such costs and such cost objectives. Consistent application of these criteria will improve cost allocation.

§ 419.30 Definitions.

(a) The following are definitions of terms prominent in this Standard.

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(3) *Final cost objective.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation system, is one of the final accumulation points.

(4) *Material-related overhead cost.* An indirect cost related to an activity or group of activities for acquiring, handling, or controlling of required materials, until the materials are used or consumed in the production of goods and services or are sold without processing.

(5) *Overhead pool.* A cost pool used to accumulate the indirect costs of a productive function or productive activity.

§ 419.40 Fundamental requirement.

(a) When material-related overhead costs of a business unit are material in amount, they shall be grouped in at least one separate material-related overhead pool for allocation to final cost objectives and other cost objectives as set forth in § 419.50(d)(1). More than one overhead pool is necessary where the material-related overhead costs in a single pool are not allocated in reasonable proportion to the use of the separate material-related functions by the final cost objectives and other specified cost objectives.

(b) The material-related overhead costs shall be allocated by means of a base which allocates the costs in reasonable proportion to their beneficial or causal relationships to the final cost objectives and other specified cost objectives.

§ 419.50 Techniques for application.

(a) *Composition of a pool.* (1) A material-related overhead pool shall include (i) costs specifically identified with a material-related function, (ii) costs allocated to a material-related function from other indirect cost pools, (iii) purchase price adjustments which are accounted for as indirect costs in accordance with 4 CFR 411.50(a), and (iv) direct material inventory adjustments accounted for as indirect costs.

(2) Expenses of a home office associated with material-related functions which are separately allocated to a segment shall be included in the segment's material-related overhead pool.

(3) Nonmaterial-related costs which can be appropriately allocated by one of the bases set forth in paragraph (c) below may be included with a material-related overhead pool for allocation to cost objectives.

(b) *Number and type of pools.* A single material-related overhead pool may be used where the costs can be allocated to cost objectives in reasonable proportion to the use of the separate material-related functions by the cost objectives. Where the cost allocations are not in reasonable proportion to such use, more than one overhead pool shall be established. In determining the number of overhead pools to establish, the contractor shall consider the use of the separate material-related functions by the cost objectives, the significance of the costs that would be included in each overhead pool, and the significance of the differences in allocations to cost objectives.

(c) *Selection and Composition of Allocation Base.* (1) The allocation base

that reflects a beneficial or causal relationship between the pool of costs and the final cost objectives during a typical cost accounting period shall be expressed in terms of either the direct material costs, as measured by 4 CFR 411.50(a) and (b), or a physical characteristic of direct material, such as number of units, weight or volume. A factor representing items of acquired materials or services shall be included in an allocation base where such items benefit from or cause a significant portion of the costs in a material-related overhead pool.

(2) If a contractor receives significant amounts of Government-furnished or customer-furnished material for use in performing work on final cost objectives, such circumstances shall be considered in determining the allocation base.

(i) Where a direct material cost base is used and the contractor and contracting officer agree on the value of the Government-furnished or customer-furnished material, such value shall be included in the base. Where a value cannot be agreed upon, a direct material cost base may be used only when it would not significantly distort the allocation of the cost pool to final cost objectives.

(ii) Where the contractor cannot find an appropriate allocation base for a cost pool established in accordance with paragraph (b) above, the contractor may make a special allocation of the material-related overhead costs associated with Government-furnished or customer-furnished materials to final cost objectives. The amount of the special allocation shall be excluded from all material-related overhead pools and the measure, if any, representing the Government-furnished or customer-furnished materials shall be excluded from the base used to allocate these pools.

(d) *Allocation to cost objectives.* (1) Material-related overhead costs shall be allocated to the following cost objectives:

(i) Final cost objectives.

(ii) Goods produced for stock or product inventory.

(iii) Independent Research and Development and Bid and Proposal projects.

(iv) Cost centers used to accumulate costs identified with a process cost system (i.e., process cost centers).

(v) Goods or services acquired or produced, or both, for other segments of the contractor, for other cost objectives or service centers of a business unit.

(vi) Construction, fabrication, betterment, improvement or installation of tangible capital assets.

(2) Where a particular final cost objective in relation to other final cost objectives receives significantly more or less benefit from material-related overhead costs than would be reflected by the allocation of such costs using a base determined pursuant to paragraph (c) of this section, the business unit shall account for this particular final cost objective by a special allocation from the material-related overhead pool(s) to the particular final cost objective commensurate with the benefits received. The amount of a special allocation to any such final cost objective shall be excluded from the material-related overhead pool(s) and the particular final cost objective's allocation base data shall be excluded from the base used to allocate this pool(s).

(3) Where predetermined rates are used in allocating material-related overhead costs, significant amounts of variances of a cost accounting period shall be allocated to the benefiting final cost objectives in proportion to the material-related overhead costs initially allocated to such final cost objectives.

§ 419.60 Illustrations.

(a) Contractor A has a home office material-related function supporting several segments of the company's operations. The costs of this function are allocated to the segments as separately identified home office expenses. Although the allocations are significant in amount, they are included with each segment's G&A expense pool for allocation to final cost objectives. Pursuant to paragraph 419.50(a)(2) of this Standard and 4 CFR 410.50(g), "Allocation of Business Unit General and Administrative Expenses to Final Cost Objectives," the separate allocations identified as material-related overhead costs must be included in the segment's material-related overhead costs for allocation to final cost objectives.

(b) Business Unit B includes the costs of its shipping function in its single material-related overhead pool. The base used to allocate these combined costs is determined to be the same that would be appropriate for allocating the costs of the shipping function and material-related overhead costs separately. Shipping is a function at the end of the production process and is not a material-related function as this term is defined in this Standard. In accordance with the provisions of § 419.50(a)(3), Business Unit B may continue this practice since the costs of other functions may be included with material-related overhead costs for allocation purposes where such costs can be appropriately allocated on the same base used for the material-related overhead pool.

(c) Business Unit C has a significant dollar amount of goods which are shipped directly from the manufacturer or supplier to the designee of Business Unit C and which are not received or handled by the Business Unit. The Business Unit has detailed specifications for the goods to be manufactured, and it maintains a source inspection for the goods. Business Unit C allocates the costs of the source inspection directly to final cost objectives, and accumulates the other material-related costs into two overhead pools. One pool covers only the purchasing function, because it applies to all material acquisitions including drop shipments, and is allocated on a material cost base consisting of all materials acquired. The other pool contains the costs of all material-related functions that do not pertain to drop shipments and is allocated on a material weight base. In both cases, the allocation base used reasonably represents the beneficial or causal relationship of the material-related functions. This practice is in compliance with § 419.50(b) of this Standard.

(d) Business Unit D, as a normal part of its purchasing operations, procures significant amounts of materials and research and development by subcontract. The material-related overhead costs, including those for subcontracted items, are grouped in a single material-related overhead pool. The allocation base for this overhead pool is direct material costs except that costs of individual subcontracts in excess of $500,000 are excluded from the base. To include all costs of subcontracted materials in the base would result in allocations to final cost objectives that are disproportionate to the use of the material-related functions. In accordance with this Standard, Business Unit D must either find an appropriate base pursuant to § 419.50(c) or establish more than one cost pool as provided for in § 419.50(b).

(e) Business Unit E groups all material-related overhead costs into one overhead pool and allocates the pooled costs on the basis of the cost of materials acquired. In the contractor's operations, materials procured by major subcontracts do not benefit from or cause costs of receiving and subsequent material-related functions proportionate to their base element. In addition, the material-related overhead costs associated with major subcontracts is a significant portion of total material-related overhead costs. Under these circumstances, the provisions of this Standard do not permit a single material-related overhead pool. Business Unit E must establish more than one material-related overhead pool in accordance with § 419.50(b).

(f) Business Unit F has a significant volume of Government-furnished materials on a recurring basis. The Business Unit has two material-related overhead pools, both of which are allocated on a direct material cost base. One overhead pool is for the costs of the purchasing function, which performs little effort in behalf of Govern-

ment-furnished materials, and is allocated on the basis of the cost of direct material purchased. The second overhead pool contains the costs of receiving and subsequent material-related functions which perform significant effort on Government-furnished materials. The direct material cost base for this second overhead pool includes the prices that have been agreed to by the contracting officer of the Government-furnished materials. This practice is in compliance with § 419.50(c)(2).

(g) Business Unit G has one material-related overhead pool and uses number of units of material as an allocation base. A recently-awarded contracts calls for three different subassemblies to be acquired by several contracts. Acquiring materials by subcontract is a nonrecurring activity. Because of the nonrecurring nature of subcontracting and the disproportionate allocations resulting from a single overhead pool in this situation, Business Unit G negotiates with the contracting officer a special allocation for application to the special subcontracted materials. This practice is in compliance with § 419.50(d)(2).

§ 419.70 Exemptions.

This Standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions) or Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

§ 419.80 Effective date.

(a) The effective date of this standard is —— (reserved).

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

PART 420—ALLOCATION OF MANUFACTURING, ENGINEERING AND COMPARABLE OVERHEAD COSTS

Sec.

420.10 General applicability.
420.20 Purpose.
420.30 Definitions.
420.40 Fundamental requirement.
420.50 Techniques for application.
420.60 Illustrations.
420.70 Exemptions.
420.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.

§ 420.10 General applicability.

General applicability of this Cost Accounting Standard is established by Section 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 420.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for accumulating manufacturing, engineering and comparable overhead costs, and for allocating the costs thus accumulated to final cost objectives and other specified cost objectives of a business unit based on the beneficial or causal relationship between such costs and such cost objectives. Consistent application of these criteria will improve cost allocation.

§ 420.30 Definitions.

(a) The following are definitions of terms prominent in this Standard.

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business Unit.* Any segment of an organization or an entire business organization which is not divided into segments.

(3) *Final Cost Objective.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation system, is one of the final accumulation points.

(4) *Overhead Pool.* A cost pool used to accumulate the indirect costs of a productive function or productive activity.

(5) *Productive Activity.* A manufacturing operation, such as machining, assembling and heat treating in the manufacturing function; an engineering operation such as designing, drafting, testing and evaluating in the engineering function; and comparable opertions such as base maintenance and support, communication services, training, and field engineering and technical services.

(6) *Productive Function.* A productive activity or a group or related productive activities such as manufacturing and engineering.

§ 420.40 Fundamental requirement.

(a) Manufacturing, engineering and comparable overhead costs of a business unit shall be grouped in one or more overhead pools for allocation to final cost objectives and other cost objectives as set forth in § 420.50(d)(1). More than one overhead pool is necessary where the manufacturing, engineering and comparable overhead costs in a single pool are not allocated in reasonable proportion to the use of the separate productive functions or activities by the final cost objectives and other specified cost objectives.

(b) The overhead costs in each pool shall be allocated by means of a base which allocates the costs in reasonable proportion to their beneficial or casual relationships to the final cost objectives and other specified cost objectives.

§ 420.50 Techniques for application.

(a) *Number and Type of Pools.* (1) A business unit may group its overhead costs in a single overhead pool if:

(i) It performs only one productive function (e.g. manufacturing) and the productive activities of that function are performed in about the same proportions on cost objectives; or

(ii) It performs two or more productive functions but one of the functions (e.g. manufacturing) constitutes the primary function, the other function(s) (e.g. engineering) is in support of the primary function, and the productive activities of the primary function are performed in about the same proportions on cost objectives.

(2) A business unit shall group its overhead costs in productive function overhead pools if the business unit performs two or more productive functions (e.g. manufacturing and engineering) disproportionately on cost objectives.

(3) A business unit shall group its overhead costs in productive activity overhead pools if the business unit performs several productive activities (e.g. machining and assembling) of a productive function disproportionately on cost objectives. The overhead costs applicable to two or more such productive activities, however, may be combined it the resultant allocation to cost objectives is substantially the same as if the costs of each productive activity were allocated by separate pools.

(4) Where predetermined rates are used in allocating overhead costs, significant amounts of variances of a cost accounting period shall be allocated to the benefiting cost objectives in proportion to the overhead costs initially allocated to such cost objectives.

(b) *Composition of a Pool.* (1) An overhead pool of manufacturing, engineering or comparable overhead costs shall include the following:

(i) Costs specifically identified with the appropriate overhead pool(s).

(ii) Costs allocated to the appropriate overhead pool(s) from other indirect cost pools.

(iii) Expenses of a home office associated with specific functions or activities separately allocated to a segment.

(2) An overhead pool shall exclude the costs related to special facilities (e.g. wind tunnels, space chambers and reactors) whose total operating cost is material in amount and which is used in the production of goods or services on some, but not all, cost objectives to which the pool is allocated. Similarly, an overhead pool shall exclude any other costs which cannot be allocated

by one of the allocation bases set forth in (c) below. These costs shall be accounted for in accordance with 4 CFR 418 (Allocation of Service-Center Costs).

(3) Costs of production management and administration and costs of production support incurred for the common benefit of two or more overhead pools shall be allocated to the appropriate overhead pools.

(c) *Selection and Composition of Allocation Base.* The selection of a particular allocation base for any pool of manufacturing, engineering and comparable overhead costs shall be guided by the criteria set forth below.

(1) *Direct Labor Hour or Direct Labor Cost.* (i) A direct labor hour base or a direct labor cost base shall be used, except as provided in (2), (3) or (4) below. The determination as to which of these bases to use shall take into account whether the costs included in a pool are in the aggregate more likely to be related to direct labor hours or to direct labor costs.

(ii) A direct labor hour base shall include all hours actually worked directly on cost objectives (whether compensated or uncompensated).

(iii) A direct labor cost base shall include the straight-time portion of overtime and shift differential pay. It shall exclude the premium portion of such pay, and other special pay and allowances, such as hazardous duty bonus and foreign duty bonus.

(iv) A direct labor hour base shall be used if a business unit employs a significant amount of purchased labor, and if such labor performs work under the supervision and control of the business unit which is substantially similar to the work of the business unit's own direct labor employees; and uses the business unit's facilities and equipment in substantial performance of their work. The hours worked by the purchased labor shall be included in a direct labor hour base.

(v) A direct labor hour base or a direct labor cost base shall exclude the hours or labor costs of employees lent to other cost objectives of the business unit, to other segments, or to a home office. Conversely, a direct labor hour base or a direct labor cost base shall include the hours or labor costs of employees borrowed from other cost objectives of the business unit, from other segments, of from a home office.

(2) *Machine Hour.* A machine hour base may be used for productive activity overhead pools if the overhead costs are comprised predominantly of facility-related costs, such as depreciation, maintenance and utilities. A machine hour base may be used for a single pool or a productive function pool only if the machines used are similar in the operations performed and are used in about the same proportions on cost objectives.

(3) *Prime Cost or Total Direct Cost.* A prime cost (direct labor and direct material costs) base or a total direct cost (direct labor, direct material and other direct costs) base may be used if the constituent elements of prime costs or total direct costs are in about the same proportions among the cost objectives.

(4) *Physical Output.* An allocation base representing the number of units, weight or volume of physical output of the cost objectives may be used if the business unit produces only homogeneous goods in large quantities.

(d) *Allocation to Cost Objectives.* (1) Manufacturing, engineering and comparable overhead costs shall be allocated to the following cost objectives:

(i) Final cost objectives.

(ii) Goods produced for stock or product inventory.

(iii) Independent Research and Development and Bid and Proposal projects.

(iv) Cost centers used to accumulate costs identified with a process cost system (i.e., process cost centers).

(v) Goods or services produced for other segments of the contractor, and for other cost objectives or service centers of a business unit.

(vi) Construction, fabrication, betterment, improvement, or installation of tangible capital assets.

(2) Where a particular final cost objective in relation to other final cost objectives receives significantly more or less benefit from overhead costs than would be reflected by the allocation of such costs using a base determined pursuant to paragraph (c) of this section, the business unit shall account for this particular final cost objective by a special allocation from the applicable overhead pool(s) to the particular final cost objective commensurate with the benefits received. The amount of a special allocation to any such final cost objective shall be excluded from the overhead pool(s) and the particular final cost objective's allocation base data shall be excluded from the base used to allocate this pool(s).

§ 420.60 Illustrations.

(a) Business Unit A, performing under a number of Government supply contracts, maintains a single overhead pool. Business Unit A performs several manufacturing activities in about the same proportions on its contracts.

Under these circumstances, the use of the single overhead pool complies with § 420.50(a)(1)(i).

(b) Business Unit B maintains a single overhead pool. Business Unit B produces several different types of goods. Business Unit B has some industrial engineering and production engineering activities which support the manufacturing function. Business Unit B's single overhead pool complies with § 420.50(a)(1)(ii) since the engineering activities are in support of the manufacturing function.

(c) Business Unit C maintains a single overhead pool for its production department. Business Unit C has substantial amounts of supply contracts as well as substantial amounts of R&D contracts. Manufacturing and engineering functions are performed disproportionately on the supply contracts and the R&D contracts. Under these circumstances, Business Unit C must, in accordance with § 420.50(a)(2), establish two separate productive function overhead pools for manufacturing and for engineering within its production department so that the disproportionate functions can be appropriately recognized.

(d) Business Unit D, performing under a number of Government contracts and commercial orders, maintains a manufacturing overhead pool. Business Unit D's manufacturing activities are performed disproportionately on contracts and orders in that significant forming, machining and assembling activities are performed on some contracts, but only assembling activities on others. Business Unit D must, in accordance with § 420.50(a)(3), establish separate productive activity overhead pools so that the disproportionate manufacturing activities can be appropriately recognized.

(3) Business Unit E performs significant scientific and engineering studies, including drafting and technical publication activities, on a number of R&D contracts and IR&D projects, and operates a model shop, or a prototype machine shop, in performing these contracts and projects. Business Unit E maintains an engineering overhead pool. All of the engineering activities are performed on such contracts and projects. Some contracts and projects, however, require substantially more scientific and engineering studies, drafting, and use of the model shop than others, but require little technical publication activities, whereas others require a substantial amount of technical publication activities with little of the other engineering activities. Since the engineering activities are performed disproportionately on individual contracts and projects, Business Unit E must, in accordance with § 420.50(a)(3), establish separate productive activity overhead pools so that the disproportionate engineering activities can be appropriately recognized.

(f) Business Unit F performs significant machining and assembling activities on a number of Government contracts and commercial orders. The machining activity is performed on all work, while the assembling activity is performed on only some work. Busi-

ness Unit F maintains a manufacturing overhead pool for these activities. An analysis indicates that if Business Unit F were to establish separate productive activity overhead pools for the different manufacturing activities, the use of such pools would produce substantially the same allocations to cost objectives as those achieved by the current single manufacturing overhead pool. Under these circumstances, Business Unit F is in accordance with § 420.50(a)(3).

(g) Business Unit G, performing under a number of Government prime contracts and subcontracts and commercial orders, has two plants in the same city. Both plants perform forming, machining, assembling and testing activities. The main plant, however, performs under Government contracts, while the other plant performs under commercial orders. Business Unit G maintains two productive activity overhead pools; i.e. a manufacturing overhead pool for the main plant and another manufacturing overhead pool for the second plant. Business Unit G's two productive activity overhead pools comply with § 420.50(a)(3). Assuming the same facts as above except that the manufacturing activities at the main plant are applied disproportionately to the cost objectives. Business Unit G must, in accordance with § 420.50(a)(3), establish separate productive activity overhead pools for the main plant if such pools would produce substantially different allocations from those achieved by the main plant's overhead pool.

(h) Business Unit H uses a direct labor hour base to allocate its engineering overhead costs. Business Unit H incurred 2 million hours of direct labor hours during regular time periods and 300,000 hours of uncompensated direct labor hours during overtime periods. Business Unit H must, in accordance with § 420.50(c)(1)(ii), use 2,300,000 hours as its direct labor hour base. If instead, Business Unit H uses the direct labor cost base, and incurred $100 million in direct labor costs, it should use that amount as its direct labor cost base.

(i) Business Unit I whose cost accounting period is the calendar year, performed overtime work on certain Government contracts in May and June and on certain commercial orders in July and August. This overtime work was necessary to meet an accelerated delivery schedule at the specific request (and Business Unit I had obtained the approval) of Government and commercial customers. Business Unit I charged the premium portion of this overtime pay directly to the applicable Government contracts and commercial orders as part of the direct labor costs. In accordance with § 420.50(c)(1)(iii), Business Unit I must exclude the premium portion of the overtime pay from its direct labor cost allocation base if this base is used to allocate its manufacturing overhead costs.

If instead, Business Unit I uses the direct labor hour allocation base and incurred 30,000 hours of overtime work for which the employees are to be paid at a time-and-a-half rate, the number of hours to be included in the allocation base should be 30,000 hours (on a straight-time basis), not 45,000 hours.

(j) Business Unit J maintains two productive activity overhead pools: (i) an overhead pool for the engineering work being performed at its principal place of business and (ii) an overhead pool for field engineering work at location X. Employees working at location X are paid hazardous duty bonus. Business Unit J uses the direct labor cost base for allocating each of the two productive activity overhead pools, and treats the hazardous duty bonus as part of the allocation base. In accordance with § 420.50(c)(1)(iii), Business Unit J must exclude the hazardous duty bonus from the direct labor cost allocation base for the field engineering overhead pool at location X.

(k) Business Unit K uses the direct labor cost base to allocate its engineering overhead costs. Business Unit K employs a significant amount of purchased labor under the conditions described in § 420.50(c)(1)(iv), and treats the costs of such labor as "other direct costs." In accordance with the above cited provisions, however, Business Unit K must use the direct labor hour allocation base so that the hours worked by the purchased labor can be appropriately included in the base.

§ 420.70 Exemptions.

This Standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 73-8 (Cost Principles for Education Institutions) or Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

§ 420.80 Effective Date.

(a) The effective date of this Standard is ——————[reserved].

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

PART 421—COST ACCOUNTING STANDARD ALLOCATION OF INDIRECT COSTS

Sec.
421.10 General applicability.
421.20 Purpose.
421.30 Definitions.
421.40 Fundamental requirement.
421.50 Techniques for application.
421.60 Illustrations.
421.70 Exemptions.
421.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.

§ 421.10 General applicability.

General applicability of this Cost Accounting Standard is established by Section 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 421.20 Purpose.

The purposes of this Cost Accounting Standard are (1) to provide criteria for the accumulation of indirect costs in indirect cost pools and (2) to provide guidance relating to the selection of allocation measures based on the beneficial or causal relationship between an indirect cost pool and cost objectives. Consistent application of these criteria and guidance will improve cost allocation for those items of indirect cost not covered by a specific Cost Accounting Standard.

§ 421.30 Definitions.

(a) The following are definitions of terms prominent in this Standard.

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Indirect cost.* Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(3) *Indirect cost pool.* A grouping of incurred costs identified with two or more cost objectives but not identified specifically with any final cost objective.

§ 421.40 Fundamental requirement.

(a) Indirect costs shall be accumulated in homogeneous indirect cost pools for allocation to cost objectives.

(b) Costs accumulated in a homogeneous indirect cost pool shall be allocated by means of a base which allocates the costs in reasonable proportion to the beneficial or causal relationship which exists between a specific indirect cost pool and the cost objectives.

§ 421.50 Techniques for application.

(a) *Indirect cost pools.* (1) To be a homogeneous indirect cost pool, the pool may include only the costs of an activity or activities which have the

same or a similar beneficial or causal relationship to the cost objectives.

(2) Costs of an activity shall be separately pooled whenever there is no other activity which has the same or a similar beneficial or causal relationship to cost objectives.

(3) The costs of an activity may be combined with costs of other activities or other indirect cost pools if the resultant allocation to each final cost objective is substantially the same as it would be if the cost were allocated separately.

(b) *Hierarchy of allocation measures.* (1) The preferred representation of the relationship between the indirect cost pool and the benefiting cost objectives is a measure of resource consumption of the activity or activities represented by the indirect cost pool. When there is a direct and definitive relationship between the activity or activities represented by the indirect cost pool and the benefited cost objectives, a single unit of measure shall generally represent the consumption of resources in performance of the activities represented by the indirect cost pool. Measures of resource consumption ordinarily can be expressed in such terms as labor hours, machine hours, or other consumption measures. Accordingly, these indirect cost pools shall be allocated by use of a rate, such as a rate per labor hour, a rate per machine hour, or other consumption rate of the support activity.

(2) Where consumption measures are unavailable or impractical to ascertain, the basis for allocation can be a measurement of the output of the activity or activities represented by the indirect cost pool. Thus, the output shall become a substitute measure for the use of resources where direct measurement of use is impractical. Output can be measured in terms of units of end product produced by the activities, as for example, number of printed pages for a print shop or number of purchase orders processed by a purchasing department.

(3) Where neither resource consumption nor output of the activities can be measured practically, a surrogate shall be used to measure the resource used. Surrogates used to represent the relationship generally measure the activity of the cost objective receiving the service and should vary in proportion to the services received. An example of a surrogate base may be number of personnel served by a personnel department. Number of personnel served may reasonably represent the use of resources of the personnel function for the cost objectives receiving the service, where this base varies in proportion to the services performed.

(4) Indirect cost pools which cannot readily be allocated on measures of specific beneficial or causal relationship generally represent the cost of overall management activities. Such costs do not have a direct and definitive relationship to the benefiting cost objectives. These costs should be grouped in relation to the activities managed and the base selected to measure the allocation of these indirect costs to cost objectives should be a base representative of the entire activity managed. For example, the total cost of plant activities managed might be a reasonable base for allocation of general plant indirect costs. The use of a portion of a total activity, such as direct labor costs or direct material cost only, as a substitute for a total activity base, is acceptable only if the base is a good representative of the total activity being managed.

§ 421.60 Illustrations.

(a) Contractor A accumulates costs of activities relating to building depreciation, building maintenance, and heat and light in separate accounts. Inasmuch as each activity has the same or a similar beneficial or causal relationship to the cost objectives occupying space, Contract A combines the costs accumulated in the three accounts into one indirect cost pool for allocation to these cost objectives. Contractor A's practice is in compliance with provisions of § 421.50(a)(1).

(b) Contractor B has all its operations in one building. Three indirect cost pools are used to accumulate indirect costs for allocation to final cost objectives; a general administrative pool, a manufacturing overhead pool and an engineering overhead pool. Occupancy costs are accumulated and included in the manufacturing overhead pool. Occupancy costs benefit all three functions for which the contractor has established overhead pools, whereas the other activities in the manufacturing overhead pool benefit only the manufacturing function. Therefore, occupancy's relationship to final cost objectives is different from the relationship of the other activities included in the manufacturing overhead pool. The costs of occupancy must be separately pooled for allocation to cost objectives (see § 421.50(a)(2)). However, if the resultant allocation to each final cost objective would be substantially the same with occupancy costs included in the manufacturing overhead pool, then, as provided for in § 421.50(a)(3), Contract B may continue his present practice.

§ 421.70 Exemptions.

None for this Cost Accounting Standard.

§ 421.80 Effective date.

(a) The effective date of this Standard is [reserved].

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc. 78-7052 Filed 2-15-78; 8:45 am]

federal register

THURSDAY, MARCH 16, 1978
PART VII



OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET RESCISSIONS AND DEFERRALS

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RECISSIONS AND DEFERRALS

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report a new Department of Agriculture deferral of Forest Service funds totalling $4.5 million in budget authority. In addition, I am reporting a routine revision to a previously reported deferral of Forest Service funds, increasing the amount deferred by $4.8 million.

The details of each deferral are contained in the attached reports.

THE WHITE HOUSE, *March 10, 1978.*

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral No.	Item	Budget Authority
	Department of Agriculture:	
	Forest Service	
D78-59	Timber salvage sales	4,500
D78-3A	Permanent appropriations, Expenses, brush disposal	36,151
	Total, deferrals	40,651

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1978
(in thousands of dollars)

	Rescissions	Deferrals
Seventh special message:		
New item	---	4,500
Change to amount previously submitted	---	4,839
Effect of the seventh special message	---	9,339
Previous special messages	57,923	4,893,218
Total amount proposed in special messages	57,923 (in 4 rescission proposals)	4,902,557 1/ (in 59 deferrals)

1/ This amount represents budget authority except for $9,573,000 consisting of three Department of the Treasury deferrals of outlays only (D78-50, D78-58, and D78-28B).

Deferral No: D78-59

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 95-588) $ 8,679,200
Bureau: Forest Service	Other budgetary resources 2,338,279
Appropriation title & symbol: Timber Salvage Sales 12X5204	Total budgetary resources 11,017,479
	Amount to be deferred: Part of year $ ____ Entire year 4,500,000
OMB identification code: 12-5204-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] Trust	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification:

The timber salvage sales fund was authorized by the National Forest Management Act of 1976 to increase the capability of the Forest Service to offer insect-infested, dead, damaged, or fallen timber for sale. Receipts from the sale of such timber are deposited in a special fund and are available until expended to cover the costs of design, engineering, and supervision of the construction of needed roads, as well as the cost to the Forest Service of sale preparation and supervision of actual harvesting.

An appropriation of $3,000,000 to begin these timber salvage activities and to remove associated trees for stand improvement was included in the Supplemental Appropriations Act, 1977 (P.L. 95-26). Of this amount, $2,338,279 was not obligated in FY 1977 and is available for obligation in FY 1978. In addition to these funds, an estimated $8,679,200 in receipts from salvage sales made after July 1, 1977 is available, without appropriation, to finance this program.

Present program plans for timber salvage sales require a resource level of $6,517,479. The remaining $4,500,000 is being deferred in accordance with the Antideficiency Act (31 USC 665) which authorizes the establishment of reserves for contingencies. This action is being taken because of the time lag between the deposit of receipts from salvage sales and the expenditure of funds to cover costs associated with making additional sales. In addition, existing FY 1978 plans and opportunities for salvage sales do not require obligation of these funds.

Estimated Effects:

There are no programmatic or budgetary effects that result from this deferral action. The reserve reflects the time lag between deposit of receipts from salvage sales and the expenditure of these funds to cover the costs of additional sales.

Outlay Effect:

There is no outlay effect of this deferral because the funds would not be used if made available.

D78-3A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-944

This report revises Deferral No. D78-3 transmitted to the Congress on October 3, 1977, and printed as House Document No. 95-235.

The amount deferred for the Forest Service's Expenses, Brush Disposal account is $36,150,790, an increase of $4,838,625 over the amount previously deferred. This change results from an increase in unobligated balances carried over from FY 1977, partially offset by an increase in planned FY 1978 obligations.

Deferral No: D78-3A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 16 USC 490)	$34,290,000
Bureau: Forest Service	Other budgetary resources	37,998,790 *
Appropriation title & symbol: Expenses, Brush Disposal 1/ 12X5206	Total budgetary resources	72,288,790 *
	Amount to be deferred: Part of year	$
	Entire year	36,150,790 *
OMB identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program ☐ Yes ☒ No	☐ Other	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other	

Justification *

Purchasers of National Forest timber deposit the estimated cost to the Forest Service of disposing of brush and other debris resulting from their cutting operations pursuant to 16 USC 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment are facilitated by operating a stable program well within the funds available in any one year for this purpose.

An apportionment of $36.1 million has been requested by the Forest Service for this program in the current fiscal year compared with $33.0 million in 1977 and $32.0 million in 1976. The current fiscal year reserve of $36.2 million is established pursuant to the Antideficiency Act (31 USC 665) as a reserve for contingencies compared with reserves of $22.3 million in 1977 and $25.1 million in 1976.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring use of deposits until the following fiscal year.

1/ This account was the subject of a similar deferral during FY 1977.
* Revised from previous report.

Estimated Effects:

There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve merely reflects the seasonal nature of program funding requirements.

Outlay Effect:

There is no outlay effect of this deferral because the funds would not be used if made available.

[340-01]

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

MARCH 1978.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of March 1, 1978, of four rescissions contained in the fourteenth, fifteenth, and seventeenth special messages of FY 1977 and four rescissions and 58 deferrals contained in the first six special messages for fiscal year 1978. These messages were trasnsmitted to the Congress on July 19 (both the fourteenth and fifteenth messages), July 26, September 23, October 3, November 10, December 15, 1977, January 27, and February 23, 1978.

RESCISSIONS (TABLE A AND ATTACHMENT A)

Three rescissions totalling $55.3 million in 1978 budget authority are presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of March 1, 1978, while Attachment A shows the history and status of each rescission proposed for FY 1978. Also included are four rescission proposals totalling $643.4 million made in FY 1977 but carried into FY 1978 and a single FY 1978 rescission for $2.7 million which has been reclassified as a deferral.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of March 1, 1978, $4,064.3 million in 1978 budget authority was being deferred from obligation and another $2.2 million in 1978 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President, and Attachment B shows the history and status of each deferral reported during FY 1978.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the Federal Registers of:

Friday, July 22, 1977 (Vol. 42, No. 141, Part V) (both the fourteenth and fifteenth 1977 special messages).

Friday, July 29, 1977 (Vol. 42, No. 146, Part VIII) (seventeenth 1977 special message).

Thursday, September 29, 1977 (Vol. 42, No. 189, Part IX).

Friday, October 7, 1977 (Vol. 42, No. 195, Part IV).

Thurday, November 15, 1977 (Vol. 42, No. 220, Part IV).

Wednesday, December 21, 1977 (Vol. 42, No. 245, Part IV).

Wednesday, February 1, 1978 (Vol. 43, No. 22, Part VII).

Wednesday, March 1, 1978 (Vol. 43, No. 41, Part VII).

Attachments

JAMES T. MCINTYRE, Jr.
Acting Director.

STATUS OF 1978 RESCISSION PROPOSALS

	Amount (In millions of dollars)*
Rescissions proposed by the President	$701.3 1/
Reclassified (from R78-1 to D78-54) 2/	-2.7
Rescinded by the Congress (GSA's repair and alteration program	-75.0
Enrolled Rescissions pending Presidential Action (B-1 Bomber and SRAM missile procurement)	-463.4 3/
Rejected by the Congress (Missile procurement)	-105.0
Pending before the Congress:	
(Special Message No.5, transmitted on January 27, 1978)	55.3 4/

1/ This amount includes $643.4 million in rescission proposals for FY 1977 which were still pending in FY 1978.

2/ This rescission proposal was transmitted in conjunction with a request for transfer (contained in H.R. 9375, the Supplemental Appropriations Act, 1978) of the same funds within the Department of Justice. This rescission proposal was superseded by a deferral (78-54) submitted to report the extension of this withholding pending final action on the transfer.

3/ Proposals to rescind these funds were transmitted to the Congress on July 19, 1977. The funds were made available for obligation on October 5, 1977, after the 45-day Congressional consideration period had elapsed without approval of the proposals. Subsequently, appropriations language to rescind these funds was included in the Supplemental Appropriations Act, 1978, (H.R. 9375) which was approved by the Congress on February 22, 1978. On March 1, the enrolled bill was awaiting Presidential action.

4/ These proposals are the subject of a rescission bill (H.R. 10982) currently being considered by the Congress.

* Detail does not add due to rounding.

* *

TABLE B

STATUS OF 1978 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$4,893.2
Routine Executive releases (-$747.7 M) and adjustments (-$40.2 M) through March 1, 1977	-787.9
Overturned by the Congress	-38.8
Currently before the Congress	4,066.5 1/

1/ This amount includes $2.2 million in outlays for three Department of the Treasury deferrals, (D78-50, D78-58 and D78-28B).

ATTACHMENT 1

A-1

STATUS OF RESCISSIONS

FISCAL YEAR 1978
(Amounts in thousands of dollars)

As of March 1, 1978

Agency/Bureau/Account	Rescission Number	Amount Proposed: Previously Considered by the Congress	Amount Proposed: Currently Before the Congress	Date Special Message Transmitted to Congress	Amount Rescinded	Amount Made Available	Date Made Available
Funds Appropriated to the President							
International Security Assistance:							
Military assistance.	R78-2 1/		40,200 2/	01-27-78			
Department of Defense - Military							
Aircraft procurement, Air Force.....	R77-18	462,000	3/	07-19-77	3/	462,000	10-05-77
Missile procurement, Air Force.....	R77-19	1,400	3/	07-19-77	3/	1,400	10-05-77
Missile procurement, Air Force.....	R77-20	105,000		07-26-77		105,000	10-14-77
Department of Justice							
Law Enforcement Assistance Administration:							
Salaries and expenses.....	R78-1 4/5/	2,668	4/	09-23-77	4/	4/	
Department of State							
Contributions for international peacekeeping activities.....	R78-3 1/		5,000	01-27-78			

A-2

STATUS OF RESCISSIONS

FISCAL YEAR 1978
(Amounts in thousands of dollars)

As of March 1, 1978

Agency/Bureau/Account	Rescission Number	Amount Proposed: Previously Considered by the Congress	Amount Proposed: Currently Before the Congress	Date Special Message Transmitted to Congress	Amount Rescinded	Amount Made Available	Date Made Available
General Services Administration:							
Federal Buildings Fund.....	R77-17	75,000		07-19-77	75,000 6/		
Federal Home Loan Bank Board							
Federal Home Loan Bank Board Revolving fund.....	R78-4 1/		10,055	01-27-78			
TOTAL:.....		646,068 7/	55,255		75,000	568,400	

1/ These proposals are the subject of a rescission bill (H.R. 10982) currently being considered by the Congress.
2/ This amount was initially deferred (D78-47) in a special message transmitted to the Congress on December 15, 1977.
3/ The Supplemental Appropriations Act, 1978, which contains proposals to rescind these funds, was approved by the Congress on February 22, 1978. As of March 1, the enrolled bill was awaiting Presidential action.
4/ This rescission proposal was transmitted in conjunction with a request for transfer (contained in H.R. 9375, the Supplemental Appropriations Act, 1978) of the same funds within the Department of Justice. This rescission proposal was superseded by a deferral (D78-54) submitted to report the extension of this withholding pending final action on the transfer.
5/ An opinion issued by the Comptroller General on October 28, 1977, holds that this proposal should have been classified as a deferral.
6/ Public Law 95-186.
7/ Of this amount $643,400,000 was proposed for rescission in FY 1977.

ATTACHMENT B

B-1

STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: FUNDS APPROPRIATED TO THE PRESIDENT								
International Security Assistance								
Military assistance...	D78-47	131,200		12-15-77			-40,200 1/	91,000
International military education and training.....	D78-48	2,000		12-15-77				2,000
Foreign military credit sales.....	D78-49	673,250		12-15-77	-567,270			105,980
TOTAL:		806,450	0		-567,270		-40,200	198,980

1/ This amount is included in a rescission proposal (R78-2) transmitted to the Congress on January 27, 1978.

AGENCY: DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service								
Salaries and expenses (special foreign currency program)...	D78-1	988		10-03-77				
	D78-1A		52	01-27-78				1,040
Agricultural Stabilization and Conservation Service								
Commodity credit corporation.....	D78-2	2,871		10-03-77	-2,871			0
Forest Service								
Permanent appropriations, Expenses, brush disposal.....	D78-3	31,312		10-03-77				31,312
Permanent appropriations, Licensee programs.....	D78-4	141		10-03-77				141
TOTAL:		35,312	52		-2,871			32,493

B-2

STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: DEPARTMENT OF COMMERCE								
Economic Development Administration								
Local public works program.....	D78-5	4,000		10-03-77				4,000
Financial and technical assistance.....	D78-6	3,900		10-03-77				3,900
Economic development revolving fund.....	D78-51	123,647		01-27-78				123,647
National Oceanic and Atmospheric Administration								
Operations, research, and facilities.....	D78-7	3,750		10-03-77	-3,750			0
Promote and develop fishery products and research pertaining to American fisheries...	D78-8	5,429		10-03-77				
	D78-8A		639	01-27-78				6,068
Fisheries loan fund...	D78-9	6,177		10-03-77	-723			5,454
Fishermen's guaranty fund.....	D78-10	716		10-03-77	-38			678
Maritime Administration								
Ship construction.....	D78-57	122,000		02-23-78				122,000
TOTAL:		269,619	639		-4,511			265,747

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: DEPARTMENT OF DEFENSE-MILITARY								
Shipbuilding and conversion, Navy.....	D78-44	871,125		11-10-77				871,125
Military construction, all services.....	D78-11	438,439		10-03-77	-37,147			401,292
TOTAL:		1,309,564			-37,147			1,272,417
AGENCY: DEPARTMENT OF DEFENSE-CIVIL								
The Panama Canal Canal Zone Government: Capital outlay.....	D78-52	309		01-27-78				309
Miscellaneous accounts Wildlife conservation, etc. military reservations.....	D78-12	458		10-03-77	-12			446
TOTAL:		767			-12			755
AGENCY: DEPARTMENT OF ENERGY 1/								
Energy (Plenum Fill experiment).....	D78-31	1,500		10-03-77				
	D78-31A		800 2/	11-10-77				2,300
Energy (Clean boiler fuel from coal project).....	D78-32	46,660		10-03-77				
	D78-32A		2/	11-10-77				46,660
Energy (Molten salt breeder reactor project).....	D78-36	1,500		10-03-77				
	D78-36A		2/	11-10-77				1,500

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: DEPARTMENT OF ENERGY 1/ - Continued								
Energy (10 MW Central receiver solar thermal power plant)...	D78-45	31,000		11-10-77	-31,000			0
TOTAL:		80,660	800		-31,000			50,460
AGENCY: DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
Office of the Assistant Secretary for Health Scientific activities overseas (special foreign currency program).....	D78-53	3,497		01-27-78				3,497
Office of Education Higher education.....	D78-13	3,740		10-03-77				3,740
Social Security Administration Limitation on salaries and expenses.....	D78-14	13,865		10-03-77				
	D78-14A		1/	01-27-78				13,865
TOTAL:		21,102						21,102

1/ See also Energy Research and Development Administration.
2/ The supplementary report changed the deferral from the Energy Research and Development Administration to the Department of Energy.

1/ The supplementary report changed the budget account title under which this deferral had been previously reported from the Limitation on construction to the Limitation on salaries and expenses account.

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Oregon and California grant lands.	D78-15	31,200		10-03-77				
	D78-15A		1,980	02-23-77				33,180
Bureau of Outdoor Recreation								
Land and water conservation fund.....	D78-16	30,000		10-03-77				30,000
Geological Survey								
Payment from proceeds, sale of water.....	D78-17	34		10-03-77				34
Bureau of Mines								
Drainage of anthracite mines.....	D78-18	3,500		10-03-77				3,500
Office of Territorial Affairs								
Trust territory of the Pacific Islands.....	D78-19	12,000		10-03-77				12,000
TOTAL:		76,734	1,980					78,714

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: DEPARTMENT OF JUSTICE								
Federal Prison System								
Buildings and facilities.....	D78-20	42,245		10-03-77				42,245
Law Enforcement Assistance Administration								
Salaries and expenses.....	D78-54	2,668		01-27-78				2,668
TOTAL:		44,913						44,913
AGENCY: DEPARTMENT OF LABOR								
Employment and Training Administration								
Advances to the unemployment trust fund and other funds.....	D78-55	1,380,114		01-27-78				1,380,114
TOTAL:		1,380,114						1,380,114
AGENCY: DEPARTMENT OF STATE								
Emergency refugee and migration assistance fund 1/	D78-43	2,000		11-10-77				
	D78-43A		5,800	12-15-77	-6,800			1,000
TOTAL:		2,000	5,800		-6,800			1,000

1/ This account, previously displayed in the Funds Appropriated to the President section of this report, was moved to the Department of State section to reflect a corresponding change in its location in the President's budget.

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: DEPARTMENT OF TRANSPORTATION								
Coast Guard								
Acquisition, construction, and improvements.....	D78-21	13,031		10-03-77	-13,031	1/		0
Federal Aviation Administration								
Construction, Metropolitan Washington Airports..	D78-22	1,010		10-03-77				1,010
Civil Supersonic aircraft development termination.....	D78-23	134		10-03-77				
	D78-23A		14	01-27-78				148
Facilities and equipment (Airport and airway trust fund)	D78-24	320,650		10-03-77	-68,487			252,163
Federal Highway Administration								
Trust fund share of other highway programs.....	D78-25	74,880		10-03-77				74,880
TOTAL:		409,705	14		-81,518			328,201

1/ Impoundment resolution, S. Res. 282, passed the Senate on November 1, 1977, rejecting this deferral. The funds, however, were made available for obligation on October 31, 1977.

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: DEPARTMENT OF THE TREASURY								
Office of the Secretary								
Antirecession financial assistance fund.....	D78-26	8,184		10-03-77				
	D78-26A		2,425	11-10-77				
	D78-26B		100	12-15-77				
	D78-26C		439	01-27-78	-8,885			2,263
Antirecession financial assistance fund.....	D78-50	3,406 1/		12-15-77	-3,406 1/			0
	D78-58	388 1/		02-23-78				388 1/
State and local government fiscal assistance fund.....	D78-27	45,996		10-03-77				
	D78-27A		23,905	11-10-77				
	D78-27B		11,831	12-15-77				
	D78-27C		729	01-27-78	-357			82,104
State and local government fiscal assistance fund.....	D78-28	391 1/		10-03-77				
	D78-28A		1,320 1/ 2/	12-15-77				
	D78-28B		4,068 1/	02-23-78	-3,962 1/			1,817 1/
Bureau of the Mint								
Construction of mint facilities.....	D78-29	5,730		10-03-77				5,730
TOTAL: BA		59,910	39,429		-9,242			90,097
O		4,185	5,388		-7,368			2,205

1/ Outlays only.
2/ This amount is net of a release of $40,000 that was made prior to the transmittal of this supplementary report.

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION 1/								
Operating expenses (Gas cooled reactors)...	D78-30	15,000		10-03-77		-15,000 2/		0
Plant and capital equipment (Fusion material test facility).....	D78-33	7,500		10-03-77		-7,500 3/		0
Plant and capital equipment (Intense neutron source facility).....	D78-34	11,300		10-03-77		-11,300 4/		0
Plant and capital equipment (Intersecting storage ring accelerator).....	D78-35	5,000		10-03-77		-5,000 5/		0
TOTAL:		38,800				-38,800		0

1/ See also Department of Energy.
2/ Impoundment resolution H. Res. 851 passed the House on November 2, 1977, rejecting this deferral.
3/ Impoundment resolution H. Res. 852 passed the House on November 2, 1977, rejecting this deferral.
4/ Impoundment resolution H. Res. 853 passed the House on November 2, 1977, rejecting this deferral.
5/ Impoundment resolution H. Res. 854 passed the House on November 2, 1977, rejecting this deferral.

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: GENERAL SERVICES ADMINISTRATION								
Rare silver dollar program.....	D78-37	1,710		10-03-77				1,710
Federal Preparedness Agency								
State and local preparedness.....	D78-38	80		10-03-77				80
TOTAL:		1,790						1,790
AGENCY: OTHER INDEPENDENT AGENCIES								
Foreign Claims Settlement Commission								
Payment of Vietnam prisoner of war claims.....	D78-39	10,738		10-03-77				10,738
Interstate Commerce Commission								
Payment of directed rail service.....	D78-40	13,700		10-03-77				13,700
National Science Foundation								
Research, and related activities..	D78-46	4,500		11-10-77				4,500
	D78-56	6,900		01-27-78				6,900

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Original Request	Amount Transmitted in Special Message: Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 03-01-78
AGENCY: OTHER INDEPENDENT AGENCIES - Continued								
United States Information Agency								
Salaries and expenses (special foreign currency program)..	D78-41	1,153		10-03-77				
	D78-41A		500	01-27-78				1,653
United States Railway Association								
Payment for purchase of Conrail securities..	D78-42	260,000		10-03-77				260,000
TOTAL:		296,991	500					297,491
TOTAL: ALL DEFERRALS	BA	4,834,431	49,214		-740,371	-38,800	-40,200	4,064,274
	O	4,185	5,388		-7,368			2,205

[FR Doc. 78-7157 Filed 3-14-78; 3:24 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 46—Shipping (Parts 30 to 40)	$3.25	$_____
_____	Title 46—Shipping (Parts 70 to 89)	3.25	_____
_____	Title 46—Shipping (Parts 90 to 109)	3.00	_____
_____	Title 49—Transportation (Parts 1 to 99)	3.00	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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