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THURSDAY, JULY 6, 1978

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Monday	Tuesday	Wednesday	Thursday	Friday
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H.R. 11465 ..... Pub. L. 95-308
To authorize appropriations for the United States Coast Guard for fiscal year 1979, and for other purposes. (June 30, 1978; 92 Stat. 358). Price: $.50.

H.J. Res. 995 ..... Pub. L. 95-309
To designate Sunday, June 25, 1978, as "National Brotherhood Day". (June 30, 1978; 92 Stat. 361). Price: $.50.

S. 2033 ..... Pub. L. 95-310
To provide for conveyance of certain lands in the Wenatchee National Forest, Washington, by the Secretary of Agriculture. (June 30, 1978; 92 Stat. 362). Price: $.50.

S. 2351 ..... Pub. L. 95-311
To designate the proposed new Veterans' Administration hospital in Little Rock, Arkansas, as the "John L. McClellan Memorial Veterans' Hospital", and for other purposes. (June 30, 1978; 92 Stat. 363). Price: $.50.

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rules and regulations

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[3410-02]

Title 7—Agriculture

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

[Valencia Orange Reg. 596]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 7-13, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: July 7, 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 July 3, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be seasonally slow.

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

§ 908.896 Valencia Orange Regulation 596.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 7, 1978, through July 13, 1978, are established as follows:

(1) District 1: 220,000 cartons;
(2) District 2: 330,000 cartons; and
(3) District 3: Unlimited.

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

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

Dated: July 5, 1978.

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

[FR Doc. 78-18866 filed 7-5-78; 11:45 am]

[8025-01]

Title 13—Business Aid and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 17]

PART 120—BUSINESS LOAN POLICY

Loans to Parolees and Probationers

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: On December 10, 1976, the Small Business Administration published a notice in the FEDERAL REGISTER (41 FR 54002) which stated that it was considering a change in loan policy which would permit loan eligibility for parolees and probationers who had satisfactorily completed 2 years without further violation, and who could meet other conditions. Subsequent to such publication, SBA received letters of comment, many of which were favorable to such a change, and many of which were unfavorable. The Agency has studied these comments over a considerable period and reached the conclusion that the present policy, heretofore not published in the FEDERAL REGISTER but only in the internal standard operating procedures used by loan officers and others, should not be changed. Chief among the reasons for this decision is the Agency's belief that SBA should not be involved in rehabilitation processes, that a finding of good character is essential in any credit transaction, and that the risk of absentee management in the event of reincarceration is too great for the Agency's responsibility to protect the taxpayers funds. Accordingly, the present policy remains in effect.

FOR FURTHER INFORMATION CONTACT:

Evelyn Cherry, Special Projects Division, Office of Financing, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, telephone 202-653-6696.

Pursuant to the authority contained in section 4(d) and reorganization plan No. 4 of 1965 (30 FR 9353) and section 5(b)(6) of the Small Business Act, 15 U.S.C. § 633(d) and 634(b), Part 120 of Title 13, Code of Federal Regulations, is amended by inserting a subparagraph (11) in § 120.2(d) to read as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(d) Financial assistance will not be granted by SBA:

* * * * *

(11) If a proprietor, partner, officer, or director of the applicant is currently incarcerated, on parole or probation following conviction of a serious offense, or when probation or parole is lifted solely because it is an impediment to obtaining a loan.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans.)

Dated: June 22, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-18625 Filed 7-6-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-CE-12-AD; Amdt. 39-3259]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 340 and 340A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Cessna Models 340 and 340A airplanes having Cessna Part No. 9910227-1 or -2 Optional Storage Cabinet or 9910284-2 Optional Refreshment Center installed. The AD requires relocation of the cabinet or center and modification of the right aft-facing seat. This action will assure that emergency exists on affected airplanes can be easily opened and are unobstructed during those emergency situations where the cabin main entrance door cannot be used.

DATES: Effective date: July 13, 1978. Compliance required within 50 hours time in service after the effective date of this AD.

ADDRESSES: Cessna Service Letter No. ME78-18, dated May 22, 1978, with modification instructions attached thereto, applicable to this AD, may be obtained from Cessna Aircraft Co., Marketing Division, Attention: Customer Service Department, Wichita, Kans. 67201, telephone 316-685-9111. A copy of the service letter with modification instructions cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106, and at Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: During a routine air taxi surveillance inspection of a Cessna Model 340A airplane, it was discovered that the emergency exit was not easy to open because of interference with the seat back on the right aft-facing seat. Additionally, the seat back partially obstructed the emergency exit opening. Easy opening of and unobstructed access to emergency exits are necessary to assure timely evacuation of passengers and crew during those emergencies in which the main entrance door cannot be used.

Investigation revealed that the problem is caused by installation of an optional storage cabinet (Cessna Part No. 9910227-1 or -2) or an optional refreshment center (Cessna Part No. 9910284-2) just forward (as related to airplane direction of flight) of the right aft-facing seat that restricts forward movement of the seat. Subsequently, to correct this condition, the manufacturer issued Cessna Multi-Engine Service Letter ME78-18, dated May 22, 1978, with modification instructions attached thereto. The service letter recommends relocation of the above-noted optional storage cabinet and refreshment center and modification of the right aft-facing seat on affected Cessna Model 340 and 340A airplanes within 50 hours time in service.

Accordingly, since an unsafe condition is likely to exist in other airplanes of the same type design, an AD is being issued, applicable to certain serial numbers of Cessna Model 340 and 340A airplanes, making compliance with the Cessna service letter mandatory.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

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

CESSNA: Applies to those models 340 (Serial Nos. 340-0301 and up) and 340A (Serial Nos. 340A0001 through 340A0447) airplanes, certificated in all categories, which have Cessna Part No. 9910227-1 or 9910227-2 Optional Storage Cabinet or 9910284-2 Optional Refreshment Center installed.

NOTE.—When the above-noted cabinet or center is installed, it will be located forward (as related to airplane direction of flight) of the right aft-facing passenger seat and aft of the partition separating the pilot's compartment from the passenger compartment.

Compliance: Required as indicated, unless already accomplished. To assure easy opening of and unobstructed access to the emergency exit during those emergency situations wherein the cabin entrance door cannot be used, within the next 50 hours time in service after the effective date of this AD, accomplish the following:

(A) Relocate Cessna Part No. 9910227-1 or 9910227-2 Optional Storage Cabinet or 9910284-2 Optional Refreshment Center and modify the right aft-facing passenger seat, all in accordance with Cessna Multi-Engine Service Letter ME78-18, dated May 22, 1978, and the modification instructions attached thereto, dated May 22, 1978, or later revisions.

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

This amendment becomes effective on July 13, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulations (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 Kansas City, Mo., on June 23, 1978.

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

[FR Doc. 78-18445 Filed 7-5-78; 8:45 am]

[4910-13]

[Airworthiness Docket No. 77-SW-31; Amdt. 39-3258]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Models M20 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Mooney M20 series airplanes by providing an alternate means of compliance. The amendment is needed because the FAA has determined that the repetitive inspection requirements can be removed after modification or replacement of the control wheel shafts with newly developed parts.

DATES: Effective July 7, 1978. Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from the Service Manager, Mooney Aircraft Corp., P.O. Box 72, Kerrville, Tex. 78028. A copy of the service bulletin is contained in the rules docket of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Tex. 76101.

FOR FURTHER INFORMATION CONTACT:

Robert T. Weaver, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex., telephone 817-624-4911, extension 516.

SUPPLEMENTARY INFORMATION: This notice amends amendment 39-3006 (42 FR 41622), AD 77-17-04, which currently requires inspection of control wheel shafts for cracks and replacement as necessary on Mooney M20 series airplanes. After issuing amendment 39-3006, the FAA has determined that if specific modifications of the control wheel shafts are accomplished, the repetitive inspections required by the AD are no longer necessary. Therefore, the FAA is amending amendment 39-3006 by providing an alternate means of compliance on Mooney M20 series airplanes.

Since this amendment provides an alternate means of compliance, which relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Robert T. Weaver, Aerospace Engineer, Flight Standards Division, and James O. Price, General Attorney, Southwest Region, FAA.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of part 39 of the Federal Aviation regulations (14 CFR 39.13) is amended by amending amendment 39-3006 (42 FR 41622) AD 77-17-04 as follows:

(1) By revising paragraph (b) to read:

(b) Replace or modify any cracked shafts with new original configuration shafts or with the strengthened configurations described in Mooney Service Bulletin M20-205B, dated May 3, 1978, before further flight.

(2) By revising paragraph (d) to read:

(d) Replacement of parts required by paragraph (b) with new original configuration parts will permit the establishment of new initial inspection times for the inspections of paragraph (a). The new initial inspection time is 1,000 hours' time in service after parts replacement. Replacement or modification of parts required by paragraph (b) with the strengthened configurations described in Mooney Service Bulletin M20-205B will remove the requirement for the 500-hour repetitive inspections.

(3) By revising paragraph (e) to read:

(e) Aircraft may be flown in accordance with FAR 21.197 to a base where this AD can be accomplished.

(4) By adding a new paragraph (f) to read:

(f) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Mooney Aircraft Corp., P.O. Box 72, Kerrville, Tex. 78028. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Tex., and FAA Headquarters. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Tex.

(5) By adding a new paragraph (g) to read:

(g) Equivalent methods of complying with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

This amendment becomes effective July 7, 1978.

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

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 Fort Worth, Tex., on June 21, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-18443 Filed 7-5-78; 8:45 am]

[4910-13]

[Docket No. 78-NE-10, Amdt. 39-3260]

PART 39—AIRWORTHINESS DIRECTIVES

Consolidated Aeoronautics, Inc., Lake Model LA-4-200 Airplanes, Serial Nos. 769 through 830, Inclusive

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On April 13, 1978, during a routine 100-hour inspection, a crack was found in a forward wing main beam attachment fitting. A material defect in a certain lot of main beam attachment fittings was suspect. On April 14, 1978, an emergency telegraphic airworthiness directive was issued requiring, as an interim action, inspection and replacement, if necessary, of certain wing main beam attachment fittings. This amendment revises that AD in accordance with recently developed information and engineering data.

DATES: Effective date—July 19, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Lake 4 Sales Corp., P.O. Box 399, Tomball, Tex. 77375. A copy of the service bulletin is contained in the rules docket, room 311, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Cheryl L. McCabe, Airframe Section (ANE-212), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7336.

SUPPLEMENTARY INFORMATION: The telegraphic airworthiness directive adopted and made effective to all known U.S. operators of Consolidated Aeronautics, Inc., Lake Model LA-4-200 airplanes, Serial Nos. 769 through 830, inclusive, on April 14, 1978, was required as a result of a cracked forward wing main beam attachment fitting, found during a routine 100-hour inspection. A material defect in a lot of main beam attachment fittings was suspect.

The telegraphic airworthiness directive required certain serial numbered airplanes wing main beam attachment fittings be inspected for cracks prior to further flight and thereafter prior to the first flight of each day, be replaced if cracked, and be reported to the New England region if cracked.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the airworthiness directive effective immediately to all known U.S. operators of Consolidated Aeronautics, Inc., Lake Model LA-4-200 airplanes, Serial Nos. 769 through 830, inclusive, by individual telegrams dated April 14, 1978.

After issuing the telegraphic AD and prior to publication of the AD in the FEDERAL REGISTER, investigation deter-

mined that the apparent crack is a flaw (material defect) in the bar stock from which the fittings were made, and is not service related. However, inspection of the fittings and replacement of those with flaws is required. The agency determined that not all airplanes in the range of serial numbers given above will have fittings from the flawed bar stock. Each fitting is impression stamped on its outboard end with a bar stock heat treat lot number. In addition, investigation has determined that the original visual inspection is inadequate to detect all flaws in the fittings. Therefore, the AD is being revised to add a new visual inspection for bar stock heat treat lot number, removal and replacement of the fittings or a one-time ultrasonic inspection for flaw detection, and removal and replacement of flaw fittings.

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

DRAFTING INFORMATION

The principal authors of this document are Cheryl L. McCabe, Engineering and Manufacturing Branch, Flight Standards Division, and George L. Thompson, Regional Counsel.

ADOPTION OF THE AMENDMENT

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

CONSOLIDATED AERONAUTICS. Applies to Lake Model LA-4-200 airplanes, Serial Nos. 769 through 830, inclusive.

Complaince is required as indicated, unless already accomplished. To prevent operation with flawed (material defect) wing main beam attachment fittings, accomplish the following:

1. Prior to further flight and thereafter prior to the first flight of each day until paragraph 3 is accomplished, visually inspect the outboard portion of the four (4) wing main beam attachment fittings (steel fittings), P/N 1-3214-3, for flaws which appear as spanwise cracks.

2. Flawed fittings found as a result of the inspections of paragraphs 1 above or 3a below, must be replaced prior to further flight with serviceable fittings, P/N 1-3214-3, in accordance with paragraph 4.

3. Within the next 15 hours time in service after the effective date of this AD, visually inspect the outboard end of the four steel wing main beam attachment fittings, P/N 1-3214-3, for the impression stamped bar stock heat treat lot number. These fittings are visible through the main gear wheel wells. If the fitting impression stamped lot number is 741 or 741R, either:

a. Ultrasonic inspect the steel wing main beam attachment fitting(s), P/N 1-3214-3, for flaws in accordance with Lake Aircraft Division, Consolidated Aeronautics, Inc., Service Bulletin B60, or

b. Replace the steel wing main beam attachment fitting(s), P/N 1-3214-3, with serviceable fitting(s), P/N 1-3214-3, in accordance with paragraph 4.

NOTE.—This paragraph applies whether or not an "H" is impression stamped on the outboard end of the fitting opposite "741" or "741R."

4. Replacement serviceable fittings must be installed in accordance with Lake Aircraft Division of Consolidated Aeronautics, Inc., Service Bulletin B60.

The manufacturers' specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lake 4 Sales Corp., P.O. Box 399, Tomball, Tex. 77375. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Mass., and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA New England Region Headquarters, Burlington, Mass.

This amendment becomes effective July 19, 1978.

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

Issued in Burlington, Mass., on June 27, 1978.

ROBERT E. WHITTINGTON,
Director,
New England Region.

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

[FR Doc. 78-18568 Filed 7-5-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-17]

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

Alteration of Transition Area: Lafayette, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is an alteration of the Lafayette, La., transition area. The intended effect of the action is to provide controlled airspace for aircraft executing the newly established instrument landing system (ILS) and nondirectional radio beacon (NDB) instrument approach procedures to the Lafayette Regional Airport. The circumstance which created the need for the action was the establishment of an ILS to runway 21 and an NDB to runway 03 to provide capability for flight under instrument flight rules (IFR) procedures to these runways.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On May 11, 1978, a notice of proposed rule making was published in the FEDERAL REGISTER (43 FR 20238) stating that the Federal Aviation Administration proposed to alter the Lafayette, La., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to subpart G of part 71 of the Federal Aviation regulations (14 CFR part 71) alters the Lafayette, La., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing the newly established instrument approach procedures to the Lafayette Regional Airport.

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart G of part 71 of the Federal Aviation Regulations (14 CFR part 71) as republished (43 FR 440) is amended, effective 0901 G.m.t., September 7, 1978, as follows:

In subpart G, § 71.181 (43 FR 440), the Lafayette, La., transition area is altered to read:

LAFAYETTE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius

of the Lafayette Airort (latitude 30°12'00" N., longitude 91°59'40" W.); within 1.5 miles each side of the Lafayette ILS localizer north course extending from the OM to the 5-mile radius area; within 2 miles each side of the 276° bearing from the Lake Martin RBN (latitude 30°11'35" N., longitude 91°52'58" W.), extending from the RBN to the 5-mile radius area; within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area of the Lafayette Airport to the 5-mile radius area of the Acadiana Regional Airport (latitude 30°02'15" N., longitude 91°53'00" W.), within a 5-mile radius of the Acadiana Regional Airport; within 3 miles each side of the 348° and 168° bearings from the Acadiana NDB (latitude 29°57'21" N., longitude 91°51'45" W.), extending from the 5-mile radius area of the Acadiana Airport to 8 miles south of the Acadiana NDB; within 3 miles each side of the Lafayette VORTAC 145° radial extending from the 5-mile radius area of Acadiana to 17.5 miles from the Lafayette VORTAC; within 2 miles each side of the Lafayette VORTAC 171° radial extending from the 5-mile radius area of the Lafayette Airport to 8 miles south of the VORTAC; within 2 miles each side of the Lafayette VORTAC 206° radial extending from the VORTAC to the 5-mile radius area of the Abbeville Municipal Airport (latitude 29°58'19" N., longitude 92°05'06" W.); within a 5-mile radius of the Abbeville Municipal Airport; within 2.5 miles each side of the Lafayette LOM 208° bearing extending from the 5-mile radius area of the Lafayette Airport to a point 1.5 miles southwest of the 5-mile radius area.

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

NOTE.—The FAA 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 Fort Worth, Tex., on June 23, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-18442 Filed 7-5-78; 8:45 am]

[7510-01]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1209—BOARDS AND COMMITTEES

Subpart 1209.4—Inventions and Contributions Board

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This revision updates the existing regulations to reflect the change in the organizational location of the Inventions and Contributions Board resulting from the reorganization of November 8, 1977.

EFFECTIVE DATE: July 6, 1978.

ADDRESS: National Aeronautics and Space Administration, Inventions and Contributions Board, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT:

Frederick J. Lees, Chairperson, Inventions and Contributions Board, telephone 202-755-8405.

SUPPLEMENTARY INFORMATION:

1. The revision incorporates certain editorial corrections. For example, the term "Chairperson" is substituted for "Chairman" throughout the regulations.

2. Since this action is administrative and editorial in nature and does not affect the existing regulations, notice and public procedures are not required.

1. Subpart 1209.4 is revised in its entirety as follows:

Subpart 1209.4—Inventions and Contributions Board

Sec.
1209.400 Scope.
1209.401 Establishment.
1209.402 Responsibilities.
1209.403 Organizational location.
1209.404 Membership.
1209.405 Supporting services.

AUTHORITY: 42 U.S.C. 2457(f) and 2458.

Subpart 1209.4—Inventions and Contributions Board

§ 1209.400 Scope.

This subpart describes the functions, authority, and membership of the NASA Inventions and Contributions Board (hereafter referred to as "the Board").

§ 1209.401 Establishment.

Pursuant to the authority of the National Aeronautics and Space Act of 1958 as amended (42 U.S.C. 2457(f), 2458) and the Government Employees Incentive Awards Act of 1954 (5 U.S.C. 4501-6), the Board was established on December 4, 1958, and is further continued in effect by this Subpart 1209.4.

§ 1209.402 Responsibilities.

(a) *Waiver of rights in inventions.* Under the authority of 42 U.S.C. 2457(f) and pursuant to 14 CFR subpart 1245.1 (NASA Management Instruction 5109.2), the Board will receive and evaluate petitions for waiver of rights of the United States to inventions, accord each interested party an opportunity for a hearing, and transmit to the Administrator its findings of fact as to such petitions and its recommendations for action to be taken with respect thereto.

(b) *Patent licenses.* Under the authority of 42 U.S.C. 2457(g) and pursuant to 14 CFR subpart 1245.2 (NASA Management Instruction 5109.3), the Board will evaluate all applications for licenses under NASA-owned patents and patent applications that are forwarded to it by the Assistant General Counsel for Patent Matters, and shall recommend to the Administrator: (1) Whether a nonexclusive or exclusive license should be granted; (2) the identity of the licensee; and (3) any special terms or conditions of the license. The Board will also accord a licensee an opportunity for a hearing with respect to the revocation of its license in response to an appeal submitted for that purpose, and will be responsible for making findings of fact and recommendations and forwarding them to the Administrator for his decision.

(c) *Monetary awards for scientific and technical contributions.* (1) Under the authority of 42 U.S.C. 2458 and pursuant to 14 CFR part 1240 (NASA Management Instructions 5700.1 and 5700.3), the Board will receive and evaluate each application for award for any scientific or technical contribution to the Administration which has significant value in the conduct of aeronautical and space activities, will accord each applicant an opportunity for a hearing upon such application, and will then transmit to the Administrator its recommendation as to the amount of the monetary award and terms of the award, if any, to be made to an applicant for such contribution.

(2) If the contribution is made by a Government employee, the Board is also authorized to consider such contribution for award under the incentive awards program and to make an award, if any, on its own cognizance, up to the amount of $5,000 in accordance with NASA supplements to chapter 451 of the Federal Personnel Manual covering this subject.

§ 1209.403 Organizational location.

The Board is established within the Office of Management Operations.

§ 1209.404 Membership.

(a) The Board will consist of a full-time chairperson and no less than six members appointed by the Administrator from within NASA. One of the members will be designated by the Administrator as vice chairperson. The chairperson is responsible directly to the Administrator.

(b) The chairperson of the Board is appointed for an unlimited period. All other Board members will be appointed initially for a period of 3 years. Normally, membership will rotate and one-third of the membership will be replaced by new members each year. However, the chairperson is authorized to extend the initial appointment of any Board member for an additional period of service. If a member re-

signs or is otherwise unable to participate in the Board's activities, a replacement may be appointed for the remainder of the uncompleted term and, with the approval of the chairperson, may be appointed for a full 3-year term upon the expiration of the original term. This procedure will generally result in a complete change in membership at the end of each 3-year period, and will provide the Board with a continual infusion of new members with a variety of professional backgrounds and interests. Duties performed by the Board members will be in addition to the regular duties of the individuals appointed to the Board.

(c) The chairperson is authorized to:

(1) Establish and reestablish such panels as may be considered necessary to discharge the responsibilities and perform the functions of the Board, and to

(2) Issue implementing rules and procedures, and take such other actions as are necessary to perform the Board's functions.

§ 1209.405 Supporting services.

(a) The Staff of the Inventions and Contributions Board is established to assist the Board in discharging its functions and responsibilities. The staff will:

(1) Prepare analyses of petitions for waiver of rights to inventions for the consideration of the Board;

(2) Prepare evaluation of proposed awards;

(3) Provide assistance to the Assistant General Counsel for Patent Matters in the review and processing of applications for patent license for consideration by the Board;

(4) Document Board actions; and

(5) Perform such other functions as may be required.

(b) A full-time director of the staff will serve as a nonvoting secretary of the Inventions and Contributions Board, and will direct the activities of the staff of the Inventions and Contributions Board.

(c) The director of the staff of the Inventions and Contributions Board will report to the chairperson of the Board.

ROBERT A. FROSCH,
Administrator.

[FR Doc. 78-18622 Filed 7-5-78; 8:45 am]

[3510-08]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 923—COASTAL ZONE MANAGEMENT PROGRAM

Approval Regulations; Extension of Comment Period

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Extension of comment period.

SUMMARY: On March 1, 1978, the National Oceanic and Atmospheric Administration (NOAA), Office of Coastal Zone Management (OCZM), issued interim-final regulations in the FEDERAL REGISTER (15 CFR Part 923, vol. 43, No. 41, pages 8378-8432) describing the requirements for development and approval of State coastal management programs pursuant to the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), hereafter referred to as the act. OCZM provided a 60-day comment period ending April 30, 1978. Since that time, OCZM has received a number of requests to consider additional comments related to the following four major issues: Changes to approved State coastal management programs (CMP's); adequate consideration of the national interest; definition of uses of regional benefit; and incorporation of State and local standards more stringent than Federal standards pursuant to the Federal Water Pollution Control Act (FWPCA) and the Clean Air Act (CAA). In order to consider additional comments and to work out some of the complexities related to these issues, OCZM is extending the comment period on the interim-final regulations to August 31, 1978. The interim-final regulations published March 1, 1978, became effective April 1, 1978. Until such time as these regulations are published in final form, the interim-final regulations are in effect for purposes of developing and approving State CMP's and changing them after approval.

DATE: Deadline for submission of written comments: August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Carol Sondheimer or Ed Lindelof, State Programs Office, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235, 202-634-1672.

SUPPLEMENTARY INFORMATION: During the comment period that ended April 30, 1978, OCZM received comments from three States (Michigan, New Hampshire, and Wisconsin), six Federal agencies (Department of the Army—Corps of Engineers, Department of Energy, Environmental Protection Agency, Federal Energy Regulatory Commission, Department of the Interior, and Nuclear Regulatory Commission), two public interest groups (Natural Resources Defense Council and Rhode Island League of Cities and Towns), two groups representing energy industries (American Petroleum Institute and Edison Electric Institute), and three from unclassified groups or individuals (Wald, Harkrader, and Ross, Coastal Environmental Resources Institute, and Louis Gaitanis). In addition, during the comment period, OCZM met with representatives from the following: the Department of the Interior, the Environmental Protection Agency, the Natural Resources Defense Council, the American Petroleum Institute, and the Edison Electric Institute.

The majority of comments received and still at issue relate to the four topics identified in the background statement above. Further comment on these topics, especially on amendments to approved State CMP's, is invited during this extension of the comment period. A discussion follows of the major remaining issues related to the four topics.

CHANGES TO APPROVED STATE COASTAL MANAGEMENT PROGRAMS

In the interim-final regulations, OCZM identified two different classes of changes to approved State CMP's (amendments and refinements) and established different procedures for incorporating a change into a State's approved CMP depending on whether it is an amendment or refinement. (See 15 CFR 923.80-923.82.) Based on comments received and OCZM's recent experience in dealing with changes to approved State CMP's, OCZM proposes to revise substantially these sections of the regulations. These revisions would include:

(1) Treating all changes to approved CMP's, that require OCZM review and approval, as amendments or modifications (i.e., deleting the refinement provision of 15 CFR 923.82);

(2) Within this framework, distinguishing between amendments (i.e., major changes) and modifications (i.e., minor changes), based on the language of section 306(g) of the act;

(3) Establishing a review and approval process for all such changes that includes, at a minimum, notice in the FEDERAL REGISTER and opportunity for comment prior to the Assistant Administrator for Coastal Zone Management taking action. When required pursuant to the National Environmental Policy Act (NEPA), a new or sup-

plemental environmental impact statement (EIS) also will be prepared;

(4) Allowing a certain number of changes to be incorporated into a State's approved CMP without going through the formal amendment or modification process: *Provided*, That (a) the State's CMP includes procedures for public and governmental involvement in the development and adoption of such changes as well as procedures for providing notice of the incorporation of such changes; (b) such changes are subject to review during OCZM's annual performance review of State programs pursuant to section 312 of the act; and (c) Federal agencies retain the option to raise a serious disagreement regarding the incorporation of such changes pursuant to section 307(h) of the act.

A discussion of the major issues associated with this proposed treatment of changes to approved State CMP's follows.

With respect to the first point, OCZM would consider the following types of changes to require OCZM review and approval before they would be considered part of a State's approved CMP and before Federal consistency (pursuant to sections 307 (c) and (d) of the act) would apply: Deletion of existing enforceable policies, addition of new enforceable policies, or legislative changes to existing enforceable policies; changes in criteria for designating special management areas; addition or deletion of special management areas if procedures for such additions or deletions are not contained in the State's approved CMP: incorporation of local coastal management programs if procedures for State approval (which include opportunity for notice and public and governmental involvement) are not contained in the State's approved CMP; major changes in the responsibilities or relationships of entities involved in implementing the approved CMP.

OCZM proposes to treat as an amendment (i.e., a major change) any change identified above which would require an environmental impact statement pursuant to NEPA. Changes that would not require an EIS pursuant to NEPA would be classified as modifications. The main effect of this distinction would be on the type of review and time allowed for comment. (The distinctions in these review procedures are discussed below.)

A primary unresolved issue here is whether a State should be required to prepare an environmental impact assessment (EIA) for all changes (whether amendments or modifications) in order for OCZM to assess whether an EIS is required, or whether a State may prepare a negative declaration with respect to environmental impacts, thereby obviating the need to prepare an EIA. OCZM proposes to allow States to prepare a negative declaration when such would be appropriate pursuant to NEPA but reserving the right for OCZM to request an EIA when, in the judgment of OCZM, there is serious question whether the proposed change would in fact have major environmental impacts.

A related issue is at what point a State would submit requests for changes. OCZM proposes to permit States a number of options. One would be for a State to submit a request for change at the time the change is being considered by the State. Another option would be for the State to submit its request shortly after the change had been effectuated by the State. A third option would be for a State to submit, at the time of a new grant request, a number of changes as part of an annual package.

With respect to the review and approval process in the case of amendments (those changes requiring an EIS), OCZM would prepare a new EIS or supplement to the EIS prepared prior to approving the State's program. The EIS would be circulated for review and comment according to Council on Environmental Quality guidelines or regulations. In the case of a modification (those changes not requiring an EIS), OCZM would publish notice in the FEDERAL REGISTER describing the proposed modification and providing at least a thirty-day review and comment period. In either case, OCZM would review the proposed change to determine if a public hearing had been held on the proposed change before it was adopted and the nature of comments; if the Governor (or, by delegation, the head of the State agency designated pursuant to section 306(c)(5) of the act) had reviewed and approved the proposed change; if the proposed change had been coordinated with local, areawide or interstate plans; and if the proposed changes were compatible with the findings and policies of sections 302 and 303 of the act.

Finally, OCZM proposes to allow certain changes to be incorporated into a State's approved CMP without going through the procedures described above. This proposal is made in recognition of the dynamic and evolutionary nature of State CMP's and the desirability of incorporating on a routine basis changes that States identified in their management programs at the time of approval would be forthcoming. Accordingly changes that are the result of criteria and procedures contained in a State's program would be automatically incorporated into a State's program and Federal consistency would apply once proper notice had been provided to Federal agencies by the designated State agency. Automatic incorporation would be permitted only where: (a) It did not involve a change defined by regulation to constitute an amendment or modification; (b) the State program contained explicit procedures providing an opportunity for the public, interested parties and governmental agencies (including Federal agencies) to review and comment on the proposed change before it is adopted, and (c) the State notified Federal agencies and other interested parties of the change once adopted. As part of the annual performance review of a State's program required pursuant to section 312 of the act, OCZM would review these changes for their compatibility with sections 302 and 303 of the act as well as the adequacy of the procedures followed in adopting the changes. If this review indicated the change was adopted improperly or was incompatible with sections 302 and 303 of the act or with the basic policies of a State's approved CMP, OCZM would require the State to rescind the change or OCZM would institute termination proceedings pursuant to 15 CFR 923.83.

Finally, if upon receiving notice from a State of a change, a Federal agency found the change was improperly adopted or was incompatible with the enforceable policies of a State's approved CMP, that agency could register a serious disagreement with the Secretary of Commerce and request mediation pursuant to section 307(h) of the act.

Examples of what could be incorporated automatically into a State's CMP include changes in the organizational structure within the designated State agency; federally mandated changes to the FWPCA and the CAA; approval and incorporation by the State agency of required local programs (if the procedures described in 15 CFR 923.42(c)(4)(ii) are part of the State's approved CMP); designation of additional special management areas pursuant to 15 CFR 923.23 (if the criteria and procedures for such designation are part of the State's approved CMP); or adoption of administrative rules and regulations pursuant to a State Administrative Procedure Act.

ADEQUATE CONSIDERATION OF THE NATIONAL INTEREST

Comments addressing three major issues regarding the interpretation of section 306(c)(8) of the act and related § 923.52 of the regulations continue to be received. These comments have to do with: (1) How the "national interest" is defined and by whom; (2) the relationship between section 306(c)(8) and section 306(e)(2) dealing with uses of regional benefit; and (3) what constitutes "adequate consideration" of the national interest.

(1) The determination of what constitutes a facility in which there is a

national interest and how that interest is defined has been difficult because the statute and legislative history provide little, if any, guidance on this matter and because parties involved with or affected by this program have differed as to its proper interpretation.

Some have maintained that there is a single national interest for any particular type of facility and that that interest is defined in national legislation relating to that type of facility. Thus, for example, the national interest in interstate highways would be defined in the National Highways Act.

Others have suggested that the national interest in a particular type of facility should be defined by those Federal agencies most closely associated with the facility. Under this approach, as an example, the Department of Energy, and the Department of the Interior would define the national interest in energy production and transmission facilities based on their legislatively defined missions.

Still others have suggested that there is no single national interest associated with a particular type of facility; rather there are a number of associated, sometimes conflicting, national interests. As an example, the national interests associated with providing interstate transportation facilities would include the need for efficient and economical transportation modes and the need to provide this transportation in a manner that recognizes the national interests in preserving wetlands, protecting rare and endangered species, avoiding development of floodplains, etc.

Some have maintained that it is the responsibility solely of Federal agencies to determine what constitutes the national interest in any particular type of facility; others have suggested that this determination should be left to the States; and still others have suggested that the national interest should be distilled from a variety of sources including local governments, interest groups, and the general public as well as Federal and State agencies.

The interim-final regulations take the position that there are several sources which specify the national interest associated with a particular type of facility (see 15 CFR 923.52(g)). These include Federal laws and legislation, policy statements from the President, statements from Federal agencies, and plans, reports, and studies from Federal, State, or interstate agencies. The predominant emphasis is on the Federal perspective and input. In practice, States have tended to rely on statements of mission from Federal agencies (when these have been made available to States).

The regulations do not posit that there is a single national interest associated with a particular type of facility but rather that there may be a number of national interests for any particular facility derived from the different sources available for defining these interests. The regulations do require that when there is a conflict in the definition of national interest (based on these different sources), the program must indicate how the conflict has been, or can be resolved. (See 15 CFR 923.52(b)(2).)

(2) There are two basic issues associated with the question of what is a facility which is "necessary to meet requirements which are other than local in nature," the more controversial of which has to do with the relationship of such facilities (referred to in section 306(c)(8) of the act) and uses of regional benefit (referred to in section 306(e)(2).)

There are some who maintain that the term "uses of regional benefit" should be defined by regulation to be synonomous with the term "facilities * * * which are necessary to meet requirements that are other than local in nature" and that the two requirements should be read in conjunction. Under this approach, the facilities listed in table 1 of 15 CFR 923.52 would constitute uses of regional benefit and State programs would be required to assure that local regulations do not unreasonably restrict or exclude facilities associated with national defense and aerospace, energy production and transmission, recreation, transportation, or regional water treatment plants.

Others have expressed the view that uses of regional benefit are not to be treated synonomously with national interest facilities because the two sections of the act are derived from different concerns, were meant to address different issues and were intended to be read as two separate and distinct requirements. Under this interpretation, consideration of the national interest is seen as a mechanism to require States to consider the multistate (or national) impacts and benefits of major new facilities, regardless of ownership. Section 306(e)(2), which addresses uses of regional benefit, is viewed as similar to the concept of "development of regional benefit" contained in Federal land use legislation being considered at approximately the same time as the Coastal Zone Management Act (CZMA) of 1972. In the Federal land use legislation, the area of benefit appears to have been defined in terms of multilocality, and not multistate regions (although multilocality regions might be interstate in some cases, such as major metropolitan areas). Such uses as regional waste disposal facilities would constitute uses of regional benefit under this definition. The American Law Institute (ALI) Model Land Development Code, upon which portions of the Federal land use legislation were based, contains the same "development of regional benefit" concept. The Code includes public facilities, including public utilities, as uses of regional benefit. A number of interested parties have asserted that privately owned facilities (such as oil and gas facilities) should be treated as uses of regional benefit.

The interim-final regulations (15 CFR 923.13) take a position more in accord with the interpretation in the ALI Code. That is, the regulations provide that section 306(e)(2) is intended to address a different group of uses in a manner different than the requirement of section 306(c)(8) for adequate consideration of the national interest in what are, essentially, facilities serving interstate or national needs.

The other issue related to definition of facilities is the extent to which resources types (such as wetlands, endangered flora and fauna, historic and cultural resources, etc.) should be considered "facilities" and the national interest in those resources considered as part of the requirments of section 306(c)(8). This issue has more to do with what constitutes "adequate consideration" of the national interest than with the definition of facilities and is addressed below in greater detail in the discussion of what constitutes "adequate consideration" of the national interest.

It should be noted, however, that the interim-final regulations do not define resources as "facilities" for which the national interest must be considered. Table 1 of 15 CFR 923.52 defines facilities to include: (1) Military bases and installations, defense manufacturing facilities, and aerospace facilities (facilities associated with national defense and aerospace); (2) oil and gas rigs, storage, distribution, and transmission facilities, powerplants, deepwater ports, liquefied natural gas facilities, geothermal facilities, and coal mining facilities (energy production and transmission); (3) national seashores, parks, and forests, large and outstanding beaches and recreational waterfronts (recreation); (4) interstate highways, railroads, airports, ports, aids to navigation including Coast Guard stations (transportation); and (5) sewage treatment plants and desalinization plants (regional water treatment plants).

(3) Once relevant national interests have been identified, the issue remains what constitutes adequate consideration thereof on the part of a State.

Some have suggested that accommodation of Federal agency views of the national interest should constitute adequate consideration. Others have suggested that adequate consideration requires a balancing of the national interest in a particular type of facility with other national interests related

to resource preservation. Still others have suggested that in order for a procedure to consider the national interest to be judged adequate, this procedure must be specifically set forth in State legislation.

The interim-final regulations take a middle ground with respect to these positions. Specifically, § 923.52(b) requires that in order for a State's consideration of the national interest in a particular type of facility to be deemed adequate, a State must:

(1) Describe which national interests in the planning for and siting of facilities (which are necessary to meet requirements which are more than local in nature) were considered during program development and the sources relied upon for such consideration;

(2) Indicate how and where the consideration of these national interests is reflected in the substance of the management program including, where appropriate, indication of when and where national interests in identified facilities may compete or conflict with other national interests in coastal resource conservation. In cases of such conflict, the program shall indicate how the conflict has been or can be weighed and resolved; and

(3) Describe a process for continued consideration of identified national interests (in facilities which are necessary to meet requirements that are more than local in nature) during program implementation, including a clear and detailed description of the administrative procedures and decision points where such interests can be considered.

There are two additional requirements if the facilities are energy facilities. These requirements are that a State's program:

(1) Consider any applicable interstate energy plan or program developed pursuant to section 309 of the act, and

(2) Meet the requirements for the energy facility planning process pursuant to section 305(b)(8) of the act.

These requirements do not stipulate that a State accommodate the national interest in a particular facility to the extent of assuring such facilities will be sited in a State's coastal zone. They do assure, however, that there is a procedure during both program development and program implementation to assess the national interest in such facilities as well as their locational requirements. The regulations do not treat resources as facilities subject to the special consideration afforded facilities by section 306(c)(8) of the CZMA. They do, however, recognize that natural resource considerations of a national nature will enter into the assessment of the demand and locational needs of particular types of facilities. The regulations, too, do not require the procedure for considering the national interest to be set forth specifically in State legislation. They do, however, require a legal basis (in either State legislation or agency rules and regulations) for establishing and implementing the procedure for national interest consideration described in the management program.

DEFINITION OF USES OF REGIONAL BENEFIT

In addition to the issue noted above about the relationship of section 306(e)(2) of the act to section 306(c)(8), there also have been questions raised whether the regulations (15 CFR 923.13) contain adequate criteria for defining what constitute uses of regional benefit. Section 923.13 presently specifies two criteria for identifying uses of regional benefit: (1) Effect on more than one unit of local government (effect being defined in terms of multicounty or intrastate regional impacts, which is consistent with the concepts contained in the ALI Code), and (2) direct and significant impact on coastal waters (in view of the primary focus in the act on coastal waters). OCZM is considering adding one or two other criteria that would be used by States in identifying uses of regional benefit: (1) Public ownership (which would be consistent with the ALI commentary on the Model Land Development Code) and (2) coastal dependency (which would be consistent with the primary focus of the act on the interrelationship of land and water).

INCORPORATION OF MORE STRINGENT STANDARDS PURSUANT TO THE FWPCA AND THE CAA

A number of commentators expressed concern that air and water quality requirements adopted by a State or locality pursuant to the FWPCA and the CAA may be extremely broad and thereby may lead to preclusion of facilities in which there may be a national interest. Section 307(f) of the act stipulates that any requirement established by the FWPCA or CAA or by any State or local government pursuant to those acts shall be the air and water pollution control requirements applicable to a State's coastal management program. Section 923.44(c)(4) of the regulations reflect this provision of the act and require the incorporation into the State's CMP of more stringent air and water quality standards if these are adopted pursuant to the FWPCA and the CAA. However, in recognition of the commentators' concerns, OCZM is investigating, in consultation with the Environmental Protection Agency, the degree of latitude provided by the FWPCA and CAA for States and localities to incorporate more stringent air and water quality requirements, and the implications of this latitude for addressing the requirement of section 306(c)(8) of the act to consider adequately the national interest in particular types of facilities.

Written comments on these or other issues addressed in the interim-final regulations should be addressed to: Carol Sondheimer, State Programs Office, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235, by August 31, 1978.

Dated: June 26, 1978.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc. 78-18571 Filed 7-5-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. SAB-21]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart B—Staff Accounting Bulletins

STAFF ACCOUNTING BULLETIN No. 21

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff accounting bulletin.

SUMMARY: This interpretation presents the staff's view that the gain on the involuntary conversion of timberland, where a portion of the proceeds were to be reinvested in other timberland, should be recognized in the financial statements and that none of the excess of proceeds over carrying value should be deferred or offset against the cost of the timberland to be acquired.

DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Gary A. Zell, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-0222.

SUPPLEMENTARY INFORMATION: The statements in staff accounting bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by

the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 29, 1978.

STAFF ACCOUNTING BULLETIN No. 21

The following interpretation provides the staff's view that a gain should be recognized on the involuntary conversion of assets.

TOPIC 5: MISCELLANEOUS ACCOUNTING

* * * * *

J. Involuntary conversions.

Facts: A portion of the timberland owned by a registrant was condemned by a governmental unit. The expected proceeds for the timberland significantly exceed its carrying value. The registrant proposed that a portion of the excess of proceeds over carrying value would not be recognized as a gain and would be used to reduce the carrying amount of replacement timberland acquired.

Question: When an involuntary conversion of timberland occurs, does the staff believe it is appropriate to offset all or a portion of the excess of proceeds over carrying value against the cost of timberland to be acquired with proceeds?

Interpretive response: The argument was made that, when a legally binding obligation to reinvest the proceeds in similar assets exists, it is appropriate to defer any gain and offset it against the cost of the new assets. It was further argued that an "economic" obligation to reinvest the proceeds in similar assets should be treated the same as a legal obligation. It was stated that an "economic" obligation exists since not to reinvest the proceeds in other assets would result in a partial liquidation of the productive capacity of the registrant, would result in the payment of substantial income taxes and would be inconsistent with management's announced intent. It was also argued that, if a gain were recognized, the registrant would be accounting for only a portion of its assets at current value, that the earning process is not complete and that future earnings would be inappropriately reduced as the earning process is completed.

The staff believes that the exchange of a nonmonetary asset for a monetary asset results in the realization of gain (or loss) and provides an objective basis for measuring the gain on the transaction. The staff does not believe that the fact that management decides to reinvest the proceeds should affect the amount of gain recognized. The cost of the newly acquired assets is the amount currently paid for them, not the amount originally paid for the assets sold. The fact that the sale was forced through governmental condemnation does not change these views.

[FR Doc. 78-18624 Filed 7-5-78; 8:45 am]

[8010-01]

[Release Nos. 33-5940, 34-14904, 35-20605, IC-10296, AS-250]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Disclosure of Relationships With Independent Public Accountants

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting amendments to its rules requiring disclosure in a registrant's proxy statement of (1) services provided during the last fiscal year by the registrant's principal independent accountant, the percentage relationship which the aggregate fees for all nonaudit services bear to the audit fees, and the percentage relationship which the fees for each nonaudit service bear to the audit fees; and (2) whether the board of directors or its audit or similar committee has approved each such service. These disclosures should aid investors in better understanding and evaluating the registrant's relationship with its independent accountants.

DATE: Effective for all proxy statements filed with the Commission after September 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Gary A. Zell, 202-755-0222, Office of the Chief Accountant, or J. Rowland Cook, 202-755-1750, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission published Securities Act Release No. 5869 (42 FR 53635) on September 26, 1977, in which it proposed amendments to schedule 14A (17 CFR 240.14a-101), promulgated under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), regarding the reporting of: (1) The services provided during the last fiscal year by a registrant's independent accountants and the related fees; (2) whether the board of directors or audit committee has approved all services; and (3) the registrant's revenues derived from its independent accountants.

The Commission has adopted the first of these proposals, amended to require disclosure of the percentage relationships to the audit fees of the fees for the aggregate of all nonaudit services and for each nonaudit service that results in a fee of 3 percent or more of the audit fees. The second proposal has been revised to require affirmative disclosure of whether the audit committee approved the services, if the company has such a committee. The third proposal has not been adopted. This release discusses the background for the proposed amendments, the comments received and the final rules as adopted.

Rule 2-01 (qualifications of accountants) of regulation S-X (17 CFR 210.2-01) requires accountants who examine financial statements of registrants to be independent. This rule states in part:

> In determining whether an accountant may in fact be not independent with respect to a particular person, the Commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Commission.

The reports of independent accountants provide an outside expert's examination and opinion, thereby substantially increasing the reliability of financial statements filed with the Commission, and are relied upon by the Commission in administering the Federal securities laws. The independence of accountants is a critical element of the system that has been in effect since the Federal securities laws were enacted over 40 years ago.

DISCLOSURE OF AUDIT FEES

Most of the comments received expressed general disagreement with the proposal to disclose audit fees. It was asserted that such disclosures would result in the comparison of audit fees for different companies when the amounts are not comparable for various reasons, including use of different accounting systems and the number of locations of accounting records and assets. Another criticism was that the disclosure of audit fees may create pressure to reduce those fees and that such pressure may ultimately result in lower quality audits. There was general disagreement with the proposed disclosure of other services and their fees. It was stated that such disclosures would be unfair to small registrants and small accounting firms since the pressure to reduce nonaudit services caused by disclosure would be detrimental to those registrants which have limited breadth of expertise available internally and rely on their accountants to provide a wide range of services.

The revised rule is partially responsive to these comments by limiting the disclosure to percentage relationships of fees rather than dollar amounts. The disclosure of the percentage which all nonaudit fees bear to audit fees will inform shareholders of the magnitude of the nonaudit fees compared to audit fees. If the rendering of a material amount of nonaudit services by independent accountants is appropriate (this question will be con-

sidered at the same time the Commission looks at the nature of services rendered), disclosure of their nature should decrease concern about them.

With regard to the requirement to disclose services that were furnished at rates or terms that were not customary, the Commission notes that its use of the word "customary" will require judgment on the part of persons preparing disclosures under these rules. The Commission believes that such judgment can be appropriately exercised to disclose those arrangements that are not common practice.

Fee arrangements where the accountant has agreed to a fee significantly less than a fee that would cover expected direct costs in order to obtain the client or in response to criticism of prior services are examples of situations which would require disclosure. These two examples are not meant to be all inclusive as there may be other circumstances where disclosure is appropriate.

Approval by Audit Committee

There was general support expressed for the disclosure of whether the issuer's board of directors or audit committee has approved all services provided by the accountants. This disclosure will inform investors of whether appropriate consideration has been given to the possible effect on the auditor's independence of providing nonaudit services.[1]

Disclosure of Revenues Derived From Accountants

The comments received expressed general disagreement with the proposal to disclose the registrant's revenues derived from the registrant's principal accountant. This disclosure was criticized as being meaningless information and that it would be difficult to accumulate the information for an accounting firm with numerous offices and partners. The comments suggested that disclosure be restricted to transactions not in the ordinary course of business.

The Commission has determined it is unnecessary to adopt this requirement because the information is now required to be disclosed when it is significant. Statement of Financial Accounting Standard No. 14, "Financial Reporting for Segments of a Business Enterprise," issued by the Financial Accounting Standards Board in December 1976, requires disclosure in the financial statements if sales to any customer are at least 10 percent of total revenue. In addition, the Commission in Accounting Series Release No. 236 (42 FR 65554) published on December 23, 1977, has adopted rules that require that the name of such customer be disclosed in the business description section of forms S-1, 10 and 10-K. The Commission's staff will question the independence of an accountant in circumstances where disclosures indicate that the accountant is a major customer of the client.

The Commission had also proposed to require disclosure of any transactions between the issuer and accountant not in the ordinary course of business or not at trade terms customary in the industry or with other customers. This disclosure requirement is not included in the adopted rule since the Commission has concluded that such circumstances will cause the accountant to be not independent.

Scope of Services

Release No. 33-5869 also solicited comment and information on the scope of services accountants provide their audit clients. The Commission has not yet determined whether it should propose rules to prohibit public accountants from rendering certain types of services to their publicly held audit clients because they might impact on independence. The SEC practice section of the division for CPA firms of the American Institute of Certified Public Accountants has asked its Public Oversight Board ("Board") to consider the matter. The Commission believes that the Board should be given an opportunity to consider the issue and make its recommendations, which then can be included in the deliberative process.

Commission Action

Section 240.14a-101 of 17 CFR Part 240 is amended by the addition of new paragraph (g) under item 8 of schedule 14A as given below. These amendments are effective for proxy statements filed with the Commission after September 30, 1978.

§ 240.14a-101 Schedule 14A. Information required in proxy statement.

* * * * *

Item 8. *Relationship with independent public accountants.* * * *

(g) For the fiscal year most recently completed, describe each professional service provided by the principal accountant and state the percentage relationship which the aggregate of the fees for all nonaudit services bear to the audit fees, and, except as provided below, state the percentage relationship which the fee for each nonaudit service bears to the audit fees. Indicate whether, before each professional service provided by the principal accountant was rendered, it was approved by, and the possible effect on the independence of the accountant was considered by, (1) any audit or similar committee of the Board of Directors and, (2) for any service not approved by an audit or similar committee, the Board of Directors.

Instructions: 1. For purposes of this subsection, all fees for services provided in connection with the audit function (e.g., reviews of quarterly reports, filings with the Commission, and annual reports) may be computed as part of the audit fees. Indicate which services are reflected in the audit fees computation.

2. If the fee for any nonaudit service is less than 3 percent of the audit fees, the percentage relationship need not be disclosed.

3. Each service should be specifically described. Broad general categories such as "tax matters" or "management advisory services" are not sufficiently specific.

4. Describe the circumstances and give details of any services provided by the registrant's independent accountant during the latest fiscal year that were furnished at rates or terms that were not customary.

5. Describe any existing direct or indirect understanding or agreement that places a limit on current or future years' audit fees, including fee arrangements that provide fixed limits on fees that are not subject to reconsideration if unexpected issues involving accounting or auditing are encountered. Disclosure of fee estimates is not required.

* * * * *

These amendments are adopted pursuant to the Securities Exchange Act of 1934, particularly sections 12, 13, 14, 15(d), and 23(a) (15 U.S.C. 78*l*, 78m, 78n, 78o(d), 78w) thereof. The Commission considers that any burden on competition imposed by these amendments is necessary and appropriate in furtherance of the purposes of the Federal securities laws.

By the Commission.

George A. Fitzsimmons,
Secretary.

June 29, 1978.

[FR Doc. 78-18611 Filed 7-5-78; 8:45 am]

[1] On June 7, 1978, in connection with its reexamination of rules relating to shareholder communications, shareholder participation in the corporate electoral process and corporate governance generally, the Commission approved the development by its staff of certain rule proposals which will be published for comment in the near future. These rule proposals will include proposed amendments to Schedule 14A to provide additional information in proxy and information statements about the functions of and number of meetings held by the audit committee as well as other key standing committees of the issuer's board of directors. Such proposed amendments, if adopted by the Commission, will be coordinated with the disclosure requirements relating to audit committees adopted today.

[4810-22]

Title 19—Customs Duties

CHAPTER I—DEPARTMENT OF THE TREASURY, UNITED STATES CUSTOMS SERVICE

[T.D. 78-228]

PART 132—QUOTAS

Change of Position Relating to the Conversion of Local Time to Eastern Standard Time in Determining Quota Priority and Status After Opening of a Quota Period

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Change of position.

SUMMARY: This document changes the Customs position with respect to the procedure for converting local time to Eastern Standard Time as the basis for determining when entries of merchandise subject to quota are presented or officially accepted in establishing quota priority and status after the opening of a quota period. Because East Coast Customs offices open 3 hours before those on the West Coast, under present procedures East Coast importers may have an advantage in that they file entries 3 hours before West Coast importers. Under this change of position, quota priority and status, after the opening day of a quota period, will be determined on the basis of the local time at the ports of entry where the entries are filed.

EFFECTIVE DATE: September 5, 1978.

FOR FURTHER INFORMATION CONTACT:

William D. Slyne, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-2957.

SUPPLEMENTARY INFORMATION:

BACKGROUND

An import quota is a control on the quantity of merchandise which may be imported into the United States during a specified period of time. Import quotas ordinarily are established by legislation or by Presidential proclamations pursuant to specific legislation and thereafter are included in the Tariff Schedules of the United States. The Customs Service administers two types of import quotas: absolute and tariff-rate.

Absolute quotas limit the quantity of merchandise that may enter the United States during a specified period of time. When an absolute quota is filled, further entries are prohibited during the remainder of the quota period.

Tariff-rate quotas permit a specified quantity of imported merchandise to be entered at a reduced rate of duty during the quota period. There is no limit on the amount of the quota product that may be imported at any time, but quantities entered during the quota period in excess of the quota for that period are subject to higher duty rates.

To ensure that all importers have an equal opportunity to enter merchandise that is subject to quota, Part 132 of the Customs Regulations (19 CFR Part 132) sets forth applicable rules and procedures. Section 132.3 provides that entries and withdrawals of merchandise subject to quota shall be accepted only during official office hours, except as otherwise provided. In accordance with § 132.11, the quota priority (the precedence of one entry over another) and the quota status (the standing which entitles merchandise to be entered under a quota) of merchandise subject to an absolute quota are determined as of the time of presentation of the entry to Customs in proper form. The quota priority and quota status of merchandise subject to tariff-rate quotas are determined as of the time of official acceptance of an entry.

To secure to each importer the rightful quota priority and status, the period of time during which a quota is in effect is the same for all parts of the United States. Quotas are opened and closed at the same time at all ports of entry. Therefore, after a quota opens, the time that entries of merchandise subject to an absolute quota are presented to Customs at a port of entry and the time entries of merchandise subject to a tariff-rate quota are accepted by Customs at a port of entry determine their priority. These entries are reported to Customs Headquarters so that it can be determined when a particular quota is filled. Under a long standing administrative procedure, Customs has been converting local time at the port of entry to Eastern Standard Time to determine quota priority and status. Accordingly, the time of entry of quota merchandise at a West Coast port is converted to Eastern Standard Time. This allows Customs to administer quotas on a "first-come, first-served" basis.

It has come to the attention of Customs that this procedure may favor East Coast importers over West Coast importers. Because East Coast Customs offices open 3 hours before those on the West Coast, East Coast importers may file entries 3 hours before West Coast importers for merchandise subject to quotas not filled at the opening of the quota period. Having determined that converting local time to Eastern Standard Time may not be equitable, by a notice published in the FEDERAL REGISTER on Novemer 28, 1977 (42 FR 60623), Customs proposed to change its procedure and use the local time at the port of entry of merchandise to determine the priority and standing of entries. The public was given until January 27, 1978, to comment on this proposal.

DISCUSSION OF COMMENTS

Two comments were received in response to the notice, both in support of the proposal.

One commenter also stated that because Customs Headquarters usually sends a teletype message to each district late in the day to announce a quota opening or reopening effective the next day, East Coast importers do not have enough time to prepare and file entries before Customs offices close for the day, and because of the time zone differential, West Coast importers have a 3 hour advantage over East Coast importers. Therefore, this commenter recommends that Customs declare the opening of a quota to be not less than 48 hours after the announcement time.

The proposed change of position concerns the procedure used to determine quota priority and status after the opening of a quota period. It has no effect on the procedure for the opening of potentially filled quotas.

Under § 132.12, Customs Regulations, when it is anticipated that a quota will be filled on opening, an entry or withdrawal for consumption of quota merchandise will not be accepted before 12 noon Eastern Standard Time in all time zones. Special arrangements are made so that all entries of quota merchandise may be presented at the exact moment of the opening of the quota in all time zones. This procedure allows Customs to determine the percentage of the quota to be allocated to each importer. All importers thus have an equal opportunity to file entries under the quota.

Futher, Customs merely administers quotas; it has no control over the opening or reopening of a quota period. The adoption of the proposed change of procedure will have no effect on § 132.12 and the procedure on opening or reopening of quotas.

CLARIFICATION

As noted above, under § 132.12, when it is anticipated that a quota will be filled on opening, and entry or withdrawal for consumption of quota merchandise will not be accepted before 12 noon Eastern Standard Time in all time zones.

There are occasions however, when a quota is not filled on opening but sufficient entries are presented on the same day after the opening (after 12 noon Eastern Standard Time) to fill the quota. Under the present practice of converting the local time at the various port of entry to Eastern Standard Time to determine quota priority and status after the opening of the quota period, both West Coast and East

Coast importers are given equal opportunity to present entries after the opening moment on opening day to fill the quota. Entries may be presented on both the East and West Coasts during the first 5 hours after opening of the quota if the East Coast is on Eastern Standard Time, or during the first 4 hours after the opening of the quota if the East Coast is on Eastern Daylight Time.

Although Customs intended in the notice to continue the Eastern Standard Time conversion practice after the opening moment on opening day, upon further review it was noted that the proposed change of position could be interpreted erroneously to require Customs to use local time at the port of entry immediately after the opening moment of a quota on opening day. Under such an interpretation, East Coast importers would not be able to file entries after the opening moment on opening day until 12:01 p.m. Eastern Standard Time while West Coast importers could file entries at 9:01 a.m. Pacific Standard Time. This would give West Coast importers an unfair advantage because they would have a 3-hour period after the opening moment on opening day within which to file entries and fill the quota before East Coast importers could file any entries to establish quota priority and status.

To clarify Customs intention, it is necessary to insert the word "day" after the word "opening" in the final version of the proposed change of position.

Accordingly, after consideration of all the comments and further review of this matter, it has been decided to adopt the proposed change in position with a modification to clarify that the change is applicable after the opening day of a quota period.

CHANGE OF POSITION

Effective September 5, 1978, Customs will determine quota priority and status, after the opening day of a quota period, on the basis of the local time at the ports of entry at which entries and warehouse withdrawals for consumption of quota-class merchandise are presented or accepted.

AUTHORITY:—R.S. 251, as amended, section 624, 46 Stat. 759, 77A Stat. 14 (19 U.S.C. 66, 1624, General Headnote 11, Tariff Schedules of the United States (19 U.S.C. 1202)); section 177.10(c)(2) of the Customs Regulations (19 CFR 177.10(c)(2).)

DRAFTING INFORMATION

The principal author of this document was Norman W. King, Regulations and Legal Publications Division, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

G. R. DICKERSON,
Acting Commissioner of Customs.

[FR Doc. 78-18658 Filed 7-5-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-555]

MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS

Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The change in the regulations increases the FHA maximum interest rate. The change is necessitated by the current realities of high discounts and declining use of FHA financing in the mortgage market. This action by HUD is designed to bring the maximum interest rate on mortgages into line with other interest rates currently prevailing in the mortgage market.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Chester C. Foster, Director, Actuarial Division, Office of Policy Development and Evaluation, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5898.

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on mortgages insured by this Department. (The maximum interest rate on FHA mortgage and loan insurance programs has been raised from 9 percent to 9.50 percent.) The Secretary has determined that such changes are immediately necessary to meet the needs of the mortgage market, and to prevent speculation in anticipation of a change, in accordance with her authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that good cause exists for making this amendment effective.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this finding of inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages insured on or after June 29, 1978.

* * * * *

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9.50 percent per annum with respect to loans insured on or after June 29, 1978.

* * * * *

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

1. Section 205.50 is amended to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after June 29, 1978.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

1. In § 207.7 pararagraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after June 29, 1978.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

1. In § 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 9.50 percent per annum with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after June 29, 1978.

* * * * *

Subpart C—Eligibility Requirements—Individual Properties Released from Project Mortgage

1. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages insured on or after June 29, 1978.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

1. In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9.50 percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after June 29, 1978.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

1. In § 221.518 paragraph (a) is amended to read as follows;

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after June 29, 1978. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

1. In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after June 29, 1978.

* * * * *

Subpart C—Eligibility Requirements—Supplemental Loans To Finance Purchase and Installation Fire Safety Equipment

2. In § 232.560 paragraph (a) is amended to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9.50 percent per annum, with respect to loans insured on or after June 29, 1978.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

1. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages insured on or after June 29, 1978.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Projects

1. In § 235.540 paragraph (a) is amended to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages insured on or after June 29, 1978.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

1. In § 236.15 paragraph (a) is amended to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after June 29, 1978.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

1. Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9.50 percent per annum with respect to loans insured on or after June 29, 1978. Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

1. In § 242.33 paragraph (a) is amended to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after June 29, 1978. Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

1. In § 244.45 paragraph (a) is amended to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.50 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after June 29, 1978.

* * * * *

PART 250—COINSURANCE FOR STATE HOUSING FINANCE AGENCIES

Subpart C—Eligibility Requirements Applicable to all Mortgages To Be Coinsured

1. In § 250.318 paragraph (a) is amended to read as follows:

§ 250.318 Maximum mortgage interest rate.

(a) On and after June 29, 1978, the maximum interest rate on which commitments to insure shall be issued shall not exceed 9.50 percent per annum.

* * * * *

(Sec. 3(a), 82 Stat. 113; (12 U.S.C. 1709-1); sec. 7 of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., June 28, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 78-18582 Filed 7-5-78; 8:45 am]

[4310-02]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Implementation of Revised Disenrollment Program; Correction

JUNE 28, 1978.

AGENCY: Bureau of Indian Affairs.

ACTION: Final rule, correction.

SUMMARY: This is a correction to the Bureau of Indian Affairs' amendment to its regulations governing the disenrollment of Alaska Natives to implement a revised disenrollment policy and program appearing in the FEDERAL REGISTER, page 26441, on June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Miss Janet L. Parks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, telephone 202-343-2985.

EFFECTIVE DATE: July 20, 1978.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-16881, appearing at 43 FR 26441, June 20, 1978, make the following correction:

On page 26442 in the second column, § 43h.15(e), the tenth line should read: "born after December 18, 1971, or was enrolled in the Metlakatla Indian Community as of April 1, 1970, or has".

FORREST J. GERARD,
Assistant Secretary, Indian Affairs.

[FR Doc. 78-18581 Filed 7-5-78; 8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—MISCELLANEOUS PROVISIONS

[T.D. 7550]

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

Disclosure of Returns and Return Information to and by Attorneys and Other Officers and Employees of the Department of Justice in Preparation for Proceeding or Investigation Involving Tax Administration

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains amendments to the existing temporary regulations relating to the disclosure of returns and return information to and by attorneys and other officers and employees of the Department of Justice in preparation for proceedings or investigations involving tax administration. These amendments are intended to add additional requirements or restrictions applicable to certain disclosures. They affect disclosures to and by attorneys of the Department of Justice to other attorneys of the Department of Justice where necessary in connection with preparing for a proceeding or conducting an investigation involving tax administration.

DATE: The regulations, as amended, apply to disclosures made after July 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Diane L. Renfroe of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-3590.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains amendments to the temporary regulations relating to disclosure of returns and return information to and by attorneys of the Department of Justice under section 6103(h)(2) of the Internal Revenue Code of 1954 as added by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1674).

SUBSEQUENT DISCLOSURE OF RETURNS AND RETURN INFORMATION BY ATTORNEYS OF THE DEPARTMENT OF JUSTICE RECEIVING THE SAME IN CONNECTION WITH A PROCEEDING OR INVESTIGATION INVOLVING TAX ADMINISTRATION

This temporary regulation, as amended, provides for subsequent disclosure and use of returns or return information made available to attorneys of the Department of Justice under paragraph (a)(1) of the existing temporary regulation. First, subdivision (i) of paragraph (a)(2) provides for such subsequent disclosure in connection with preparing for a proceeding or conducting an investigation described in paragraph (a)(1). Second, subdivision (ii) provides for such subsequent disclosure in connection with a proceeding or investigation described in paragraph (a)(1) which also involves enforcement of a specific Federal criminal statute other than one described in paragraph (a)(1) provided that three conditions are met. First, such other matter must involve or arise out of the particular facts and circumstances giving rise to a proceeding or investigation involving tax administration. Second, the tax portion of such joint proceeding or investigation must have been authorized by the Assistant Attorney General for the Tax Division of the Department of Justice at the request of the Internal Revenue Service as a proceeding involving tax administration. Third, if the tax administration portion of the joint proceeding is terminated for any reason, attorneys of the Department of Justice working on the nontax portion of the case must then obtain a court order as required under section 6103(i) prior to further use of the tax returns or taxpayer derived tax data in their possession.

The second and third conditions are new and have been added to provide further safeguards to insure adequate protection of the confidentiality of this tax material.

PUBLICATION OF NOTICE OF PROPOSED RULEMAKING

These temporary regulations, as amended, are also published in this edition of the FEDERAL REGISTER as a notice of proposed rulemaking under section 6103(h)(2) of the Code.

DRAFTING INFORMATION

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

WAIVER OF CERTAIN PROCEDURAL REQUIREMENTS OF PROPOSED TREASURY DIRECTIVE

A determination has been made by one of the undersigned, Jerome Kurtz, Commissioner of Internal Revenue, that there is an immediate need for amendment of the temporary regulations under section 6103(h)(2) in order to clarify rules relating to disclosures of returns and return information in situations involving certain joint tax and nontax related investigations. Because of the immediate need for such clarification, compliance with the procedural requirements of paragraphs 8 through 13 of the proposed Treasury directive, relating to improving regulations (43 FR 22319), would be impractical, and, therefore, these requirements have not been followed.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

In order to amend the temporary regulations on procedure and administration (26 CFR Part 404) to provide additional restrictions on certain disclosures of returns and return information to and by attorneys of the Department of Justice in connection with matters involving tax administration under section 6103(h)(2), the heading of § 404.6103(h)(2)-1 and paragraph (a)(2) of such section are amended to read as follows:

§ 404.6103(h)(2)-1 Disclosure of returns and return information (including taxpayer return information) to and by attorneys and other officers and employees of the Department of Justice in preparation for proceeding or investigation involving tax administration.

(a) *Disclosure of returns and return information (including taxpayer return information) to and by attorneys of the Department of Justice.* (1) * * *

(2) Returns and return information (including taxpayer return information) inspected by or disclosed to attorneys of the Department of Justice as provided in paragraph (a)(1) of this section may also be used by such attorneys, or disclosed by them to other attorneys (including U.S. attorneys and supervisory personnel, such as section chiefs, Deputy Assistant Attorneys General, Assistant Attorneys General, the Deputy Attorney General, and the Attorney General) of the Department of Justice, where necessary—

(i) In connection with preparation for any proceeding (or with an investigation which may result in such a proceeding) described in paragraph (a)(1), or

(ii) In connection with preparation for any proceeding (or with an investigation which may result in such a proceeding) described in paragraph (a)(1) which also involves enforcement of a specific Federal criminal statute other than one described in paragraph (a)(1) to which the United States is or may be a party: *Provided,* Such matter involves or arises out of the particular facts and circumstances giving rise to the proceeding (or investigation) described in paragraph (a)(1): *And further provided,* The tax portion of such proceeding (or investigation) has been duly authorized by or on behalf of the Assistant Attorney General for the Tax Division of the Department of Justice, pursuant to the request of the Secretary, as a proceeding (or investigation) described in paragraph (a)(1).

If, in the course of preparation for a proceeding (or the conduct of an investigation which may result in such a proceeding) described in subdivision (ii) of this subparagraph, the tax administration portion thereof is terminated for any reason, any further use or disclosure of such returns or taxpayer return information in such preparation or investigation with respect to the remaining portion may be made only pursuant to, and upon the grant of, a court order as provided by section 6103(i)(1)(A): *Provided, however,* That the returns and taxpayer return information may in any event be used for purposes of obtaining the necessary court order.

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

This Treasury decision is issued under the authority contained in section 6103(q) of the Internal Revenue Code of 1954 (90 Stat. 1685; 26 U.S.C. 6103(q)) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: June 21, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-18668 Filed 6-30-78; 4:10 pm]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

MISCELLANEOUS ORGANIZATIONAL CHANGES

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This document reflects a number of organizational changes in headquarters and field units, and makes certain minor revisions and corrections of spelling and section references.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Paul J. Kemp, 202-245-4638.

Accordingly, 39 CFR is amended as follows:

PART 221—GENERAL PRINCIPLES OF ORGANIZATION

§ 221.3 [Amended]

1. In § 221.3 revise the last sentence of paragraph (c) by striking out "§§ 3.9 and 5.3" and inserting "§§ 3.5 and 4.3" in lieu thereof.

§ 221.4 [Amended]

2. In § 221.4 revise paragraph (c) by striking out "§ 5.4" and inserting "§ 4.4" in lieu thereof.

3. In § 221.5 amend the second sentence of paragraph (c) by inserting "Department" after "Inspection Service" and striking out "Chief Inspector" and inserting "Chief Postal Inspector" in lieu thereof; and revise paragraph (d) and the first sentence of paragraph (a) to read as follows:

§ 221.5 Groups and departments.

(a) Postal Service Headquarters is primarily divided into four groups—Administration, Employee and Labor Relations, Finance, and Operations. * * *

* * * * *

(d)(1) The Executive Committee is the established organization through which the Postmaster General and his top staff collectively consider and act on major policy, planning, and other management control matters. the Executive Committee is composed of:

(i) The Postmaster General, Chairman;

(ii) The Deputy Postmaster General;

(iii) The Senior Assistant Postmaster General, Administration;

(iv) The Senior Assistant Postmaster General, Employee and Labor Relations;

(v) The Senior Assistant Postmaster General, Finance;

(vi) The Senior Assistant Postmaster General, Operations;

(vii) The Assistant Postmaster General, Government Relations;

(viii) The Assistant Postmaster General, Public and Employee Communications;

(ix) The Chief Postal Inspector; and

(x) The General Counsel.

(2) The Executive Assistant to the Postmaster General is secretary to the Executive Committee.

4. In § 221.6 add new paragraphs (d)(5) and (d)(6) and revise paragraphs (d)(1)-(d)(4) to read as follows:

§ 221.6 Postal regions.

* * * * *

(d)(1) Postal Regions are composed of districts headed by District Managers whose organizational units are in turn composed of management sectional centers headed by Sectional Center Managers, large Independent Post Offices headed by Postmasters, and bulk mail centers headed by Bulk Mail Center Managers.

(2) Each District Manager reports to the Regional Postmaster General, and has line responsibility for postal operations (except those reserved to Headquarters and Regions) in the management sectional centers, Independent Post Offices and bulk mail centers within the District area.

(3) Each Sectional Center Manager reports to a District Manager, and has line responsibility for postal operations (except those reserved to Headquarters and Regions) within the Management Sectional Center area.

(4) Each Bulk Mail Center Manager reports to a District Manager, and has line responsibility for postal operations (except those reserved to Headquarters and Regions) within the Bulk Mail Center.

(5) The General Manager, New York International and Bulk Mail Center, reports to the Regional Postmaster General.

(6) The Air Mail Facility at JFK New York, and O'Hare Field, Chicago, are headed by Operations Managers who report to their District Managers.

PART 222—DELEGATIONS OF AUTHORITY

§ 222.5 [Amended]

5. In § 222.5 strike from paragraph (a)(1) the words "Employee and Labor Relations Departments" and insert in lieu thereof "Employee Relations Department and Labor Relations Department"; strike from paragraph (a)(7) the words "positions PMS-9" and insert "positions PMS-16" in lieu thereof; and strike from paragraph (c) "transwers" and insert "transfers" in lieu thereof.

§ 222.7 [Amended]

6. In § 222.7 strike out from the second sentence of paragraph (d) the figure "§ 212.7" and insert the word "section" in lieu thereof.

§ 222.9 [Amended]

7. In § 222.9 insert "Postal" between "Chief" and "Inspector" in paragraph (a)(6).

PART 223—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

8. In § 223.1 delete the words "Assistant Regional Postmasters General" from paragraphs (a) and (b) and insert "Regional Directors" in lieu thereof; revise paragraph (c) and add new paragraphs (d) and (e) to read as follows:

§ 223.1 Relationships.

* * * * *

(c) *Between District Offices and Management Sectional Centers.* The District Managers and staffs shall provide guidance and direction to their respective Sectional Center Managers for the guidance of Postmasters under their respective jurisdictions. The Sectional Center Managers will provide guidance and direction to their respective associate Postmasters.

(d) *Between District Offices and Independent Associate Offices.* District Managers and staffs shall provide guidance and direction to their respective Independent Associate Office Postmasters.

(e) *Between District Offices and Bulk Mail Centers.* District Managers and staffs shall provide guidance and direction to their Bulk Mail Center Managers.

9. In § 223.2 insert "Department" after "Inspection Service" in the second sentence of paragraph (a)(4); redesignate paragraphs (b)(3) and (b)(4) as (b)(5) and (b)(6) respectively; strike out "Intallations" in the first sentence of paragraph (c)(3) and insert "Installations" in lieu thereof; revise paragraphs (b) (1) and (2) and add new paragraphs (b) (3) and (4) as follows:

§ 223.2 Channels of communication.

* * * * *

(b) *Postal Region Offices and Postal Installations.*

The regular channels of communication are:

(1) Associate Office Postmasters, to and from Sectional Center Managers;

(2) Sectional Center Managers, to and from District Managers;

(3) Postmasters of large independent associate offices, to and from District Managers;

(4) Bulk Mail Center Managers, to and from District Managers (except

General Manager, New York International and Bulk Mail Center.);

* * * * *

PART 224—GROUPS AND DEPARTMENTS

10. In § 224.1 strike out the word "five" in the first and second sentences of paragraph (c) and insert "four" in lieu thereof; strike out in the second sentence of paragraph (c)(2) the words "maintenance management"; strike out in paragraph (c)(2)(i) the word "maintenance" and the phrase ", including responsibility for their installation"; revise paragraph (a), paragraph (c)(2)(vii), paragraph (c)(3), paragraph (c)(4), and add new paragraphs (c)(2)(ix), (c)(2)(x), (c)(6) and (c)(7) to read as follows:

§ 224.1 Administration group.

(a) The Administration group is headed by the Senior Assistant Postmaster General, Administration, who reports to the Deputy Postmaster General. The Administration group supervises and has responsibility for the following functions: Procurement and supply, customer services, research and development, real estate and buildings, international postal affairs, strategic planning, and the Judicial Officer.

* * * * *

(c) * * *

(2) *Real Estate and Buildings Department.* * * *

(vii) Designing and constructing facilities; designing and installing utilities; installing mechanization; taking energy conservation considerations into account;

* * * * *

(ix) Acting as USPS coordinator with the Department of Energy and other governmental agencies on energy matters;

(x) Providing energy conservation policies for postal facilities.

(3) *Research and Development Department.* The Research and Development Department is headed by the Assistant Postmaster General, Research and Development. It is responsible for development and application of new technology to mail handling problems. It conducts original research to develop and promote new concepts and approaches to systems and mechanization for the collection, processing and delivery of mail. It monitors new developments over a broad spectrum of technology and assesses them for possible application to Postal Service functions. It is also responsible for the design and development of new equipment, and equipment modifications. It operates the Postal Laboratory conducting research, test, and evaluation programs.

(4) *Customer Services Department.* The Customer Services Department is headed by the Assistant Postmaster General, Customer Services. It is responsible for:

(i) Analysis, development, adjustment, and marketing of all postal products and services;

(ii) Establishment of policy for, and the functional management of, the Postal Service's sales operations and provision of functional guidance to the regional Customer Services Departments;

(iii) Management of the design, production, and distribution of postage stamps and postal stationery;

(iv) Representation of the interests of individual consumers, including responding to consumer needs and problems;

(v) Conduct of market research and diagnostic service analysis;

(vi) Liaison with postal customers, including the planning and implementation of the National Postal Forum; and

(vii) Development and execution of the Postal Service's advertising and promotion programs.

* * * * *

(6) *International Postal Affairs.* The Office of International Postal Affairs is responsible for:

(i) Provision of policy guidance on the international postal affairs of the U.S. Postal Service;

(ii) Representation of the United States in the Universal Postal Union (UPU) and Postal Union of the Americas and Spain (PUAS);

(iii) U.S. Postal Service liaison with all foreign postal administrations;

(iv) Negotiation, conclusion, and administration of bilateral and multilateral postal treaties and agreements with foreign governments;

(v) Liaison with the Department of State;

(vi) Maintenance of an information exchange program with selected foreign postal administrations; and

(vii) Management of technical cooperation activities with respect to the training of foreign postal officials in the United States, the exchange of USPS and foreign postal officials, and the programing and conduct of visits of foreign postal officials.

(7) *Office of Strategic Planning.* The Office of Strategic Planning is responsible for:

(i) Providing top management with information on trends and developments which may impact on the Postal Service during the period of 5-15 years in the future;

(ii) Identifying and evaluating economic, political, social, technical, and market trends and events impacting on the USPS;

(iii) Identifying potential future needs, problems, threats, or opportunities to aid top management in strategic policy decisions;

(iv) Augmenting or redefining Postal Service goals as needed for review and concurrence by the Board of Governors; and

(v) Developing a projection of long-range business targets as a basis for setting operational objectives.

11. In § 224.3 strike out from the second sentence of paragraph (b)(1) the words "the Economic Analysis Division" and insert "Operational Planning" in lieu thereof; insert at the end of paragraph (b)(1) the following sentence: "It is also responsible for analyzing the long-range business outlook for the postal system, including the anticipated socio-economic environment and alternative business opportunities, and for conducting studies on which to base recommendations for new or modified policies."; and revise paragraphs (b)(2)-(b)(4) to read as follows:

§ 224.3 Finance group.

* * * * *

(b) * * *

(2) *Rates and Classification Department.* The Rates and Classification Department designs and maintains the Postal Service rate and classification structure; develops and administers standards and procedures relating to cost analysis and attribution, and related functions; forecasts mail volumes; and makes and defends recommendations to the Postal Rate Commission in conjunction with the Law Department.

(3) *Management Information Systems Department.* The Management Information Systems Department is headed by the Assistant Postmaster General, Management Information Systems. It is concerned with automatic data processing, statistical programs, information requirements, and reports. It provides the basic processing services associated with the money order program. It is responsible for the prompt delivery of statistical information on field activities to postal management. It provides automatic data processing and statistical support to management and assists other departments of the Postal Service in determining their information needs. It specifies controls on the development, use, modification, or implementation of information systems, including manual and automated systems. It is responsible for providing the automatic data processing facilities required for operating Postal Service Information Systems.

(4) *Office of Management Services.* The Office of Management Services is headed by the Director of Management Services. It serves as the princi-

pal advisor and central analytic staff on the evaluation and design of management systems and services; plans and conducts servicewide studies of management, administrative, paperwork, and operational support systems; recommends changes to correct identified deficiencies; and installs improved systems and methods. It plans and maintains the Postal Service Directives System; and administers a service-wide forms management program. It maintains liaison with the General Accounting Office and establishes contact with other Federal agencies and private industry with regard to advanced management techniques. The Postal Service Records Officer, located within the Office of Management Services, is responsible for the retention, security and privacy of Postal Service records and is authorized to disclose records and order their disposal by destruction or transfer.

§ 224.5 [Deleted]

§§ 224.6–224.10 Redesignated as §§ 224.5–224.9.

12. Delete § 224.5; redesignate §§ 224.6, 224.7, 224.8, 224.9, and 224.10 as §§ 224.5, 224.6, 224.7, 224.8, and 224.9 respectively; revise redesignated § 224.6 to read as follows:

§ 224.6 Inspection Service Department.

The Inspection Service Department is headed by the Chief Postal Inspector, who reports directly to the Postmaster General. The Inspection Service Department is responsible for protection of the mails, enforcement of postal laws, plant and personnel security, postal inspection, and internal audits. The Inspection Service Department, in accordance with applicable policies, regulations, and procedures, carries out investigations and presents evidence to the Department of Justice and U.S. attorneys in investigations of a criminal nature. It also undertakes operating inspections and audits for the Postal Service. The Chief Postal Inspector acts as security officer and defense coordinator for the Postal Service, maintaining liaison with other investigative and law enforcement agencies of the Government.

PART 225—POSTAL REGIONS

13. In § 225.1 revise paragraphs (c), (d), and (e) to read as follows:

§ 225.1 Designation of postal regions.

* * * * *

(c) The southern region includes the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The southern regional headquarters is in Memphis, Tenn.

(d) The central region includes the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Ohio, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. The central regional headquarters is in Chicago, Ill.

(e) The western region includes the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and the Pacific Islands including the Trust Territory. The western regional headquarters is in San Bruno, Calif.

14. In § 225.3 add new paragraph (b)(1)(xiv) reading as follows:

§ 225.3 Regional Mail Processing Department.

* * * * *

(b) * * *

(1) * * *

(xiv) Overseeing the activities of from four to eight field transportation management offices.

§ 225.4 [Amended]

15. In § 225.4 insert in paragraph (b)(1)(xxiv) the word "Headquarters" after the word "Assisting"; insert in paragraph (b)(2)(ix) the word "Regional" before the word "Logistics."

§ 225.5 [Amended]

16. In § 225.5 strike out the last sentence of paragraph (a).

§ 225.7 [Amended]

17. In § 225.7 strike out in paragraph (b)(2)(ix) the word "assistant" and insert "assistance" in lieu thereof.

18. In § 225.10 revise paragraph (b)(8) to read as follows:

§ 225.10 District Managers.

* * * * *

(b) * * *

(8) Provides direction and control of bulk mail center operations within the district (except those functions and powers reserved to the region and headquarters).

19. In § 225.11 strike out in paragraph (b) the words "Each General Manager" and insert "Each Manager" in lieu thereof; strike out paragraph (b)(7) and redesignate paragraphs (b)(8) and (b)(9) as (b)(7) and (b)(8) respectively; and revise the heading and the text of paragraph (a) to read as follows:

§ 225.11 Bulk mail center managers.

(a) Each bulk mail center manager reports to the district manager of the district in which the center is located (except the general manager, New York international and bulk mail center who reports to the regional postmaster general), and is responsible for managing and directing the operation of a bulk mail center in the implementation of Postal Service programs and policies to assure effective and efficient processing and transportation of bulk mail within the bulk mail center service area, and in areas where its operations affect other bulk mail centers in the network.

* * * * *

(39 U.S.C. 401(a).)

W. ALLEN SANDERS,
Assistant General Counsel.

[FR Doc. 78-18674 Filed 7-5-78; 8:45 am]

[7710-12]

PART 257—PHILATELY

Copyright of Philatelic Designs

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This regulation adds to the Postal Service's regulations on philately a provision concerning the reproduction of illustrations of philatelic designs. The regulation is made necessary by the Postal Service's decision to copyright such designs.

EFFECTIVE DATE: August 4, 1978.

FOR FURTHER INFORMATION CONTACT:

William J. Jones 202-245-4603.

SUPPLEMENTARY INFORMATION: On December 21, 1977, the Postal Service published a proposed recodification of part 257 of title 39, Code of Federal Regulations, dealing with policies and procedures on philatelic sales and cancellations (42 FR 63903). One portion of the regulation, proposed § 257.6, dealt with the copyright of philatelic designs. Interested persons were given until January 20, 1978, to comment. No comments were received concerning proposed § 257.6.

The Postal Service is not yet prepared to adopt the entire proposed recodification of part 257. It does, however, wish to adopt proposed § 257.6, which will become § 257.9 of current part 257. This section sets out the Postal Service's policy concerning the copyright of philatelic designs, the scope of the permission granted for the use of illustrations of the designs, and information concerning requests for licenses for the use of illustrations outside the scope of the permission.

The regulation adopted differs from the text proposed in four respects.

1. The tense of subsection (a) is changed, since the copyright policy became effective January 1, 1978.

2. Alterations are made in subsection (b)(4) for clarity and to more closely follow the language of the relevant statute, 18 U.S.C. 504 (1976).

3. The last sentence of proposed § 257.6(b)(4), which read, "Illustrations permitted by § 257.6(b) (1), (2), and (3) shall meet the conditions of 18 U.S.C. 504(1) (i), (ii) and (iii)." is deleted, and new subsection (c) is added, specifically setting out the conditions which black and white and color illustrations of canceled and uncanceled philatelic items must meet. These conditions are the same as those contained in the portions of 18 U.S.C. 504 referenced in the deleted text.

4. In subsection (d), which was subsection (c) of the proposed regulations, the address to which requests for licenses are to be addressed is changed to conform to current Postal Service practice.

Accordingly, in 39 CFR new § 257.9 is added reading as follows:

§ 257.9 Copyright of philatelic designs.

(a) *Policy.* The designs of postage stamps, stamped envelopes, postal cards, aerogrammes, souvenir cards and other philatelic items issued on or after January 1, 1978, have been copyrighted by the U.S. Postal Service in accordance with title 17, United States Code.

(b) *Permission for Use.* The use of illustrations of the designs covered by such copyrights is permitted as follows:

(1) In editorial matter in newspapers, magazines, journals, books, philatelic catalogs, and philatelic albums.

(2) In advertising matter, circulars, or price lists for the sale of the postal items illustrated.

(3) In advertising matter, circulars, or price lists for the sale of newspapers, magazines, journals, books, philatelic catalogs, and philatelic albums containing illustrations of philatelic designs.

(4) In motion picture films, microfilms, slides, or electronic tape for projection upon a screen or for use in telecasting, but not for use in advertising, other than for uses permitted in § 257.9(b) (2) and (3). No print or other reproduction from such films, slides, or tapes shall be made except for the uses permitted in § 257.9(b) (1), (2), and (3).

(c) *Reproduction of Designs.* Illustrations permitted by § 257.9(b) (1), (2), and (3) may be in color or in black and white and may depict philatelic items as uncanceled or canceled. When depicting uncanceled items in color, illustrations must be less than 75 percent or more than 150 percent, in linear dimension, of the size of the design of the philatelic items as issued. Color illustrations of canceled philatelic items and black and white illustrations of uncanceled or canceled philatelic items may be in any size.

(d) *Requests for Licenses.* The U.S. Postal Service may grant licenses for the use of illustrations of its copyright designs outside the scope of the above permission. Requests for such licenses should be addressed to the Chairman, Intellectual Property Rights Board, Office of Contracts, U.S. Postal Service, Washington, D.C. 20260.

(39 U.S.C. 401, 404.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-18519 Filed 7-5-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 922-4; OPP-260028]

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

Editorial Amendments

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

ACTION: Final rule.

SUMMARY: This rule makes nonsubstantive changes to certain pesticide regulations. These amendments to the regulations were requested by Ciba-Geigy Corp. This rule clarifies and editorially amends certain pesticide regulations.

EFFECTIVE DATE: Effective on July 6, 1978.

FOR FURTHER INFORMATION, CONTACT:

Mr. Edward Gross, Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-4854.

SUPPLEMENTARY INFORMATION: On October 27, 1976 (41 FR 47076), the EPA announced that it was reformatting the pesticide tolerance regulations in 40 CFR Part 180 and invited user participation in this process. Subsequently, the Agency received on May 10, 1977, a list of requested changes from Ciba-Geigy Corp., P.O. Box 11422, Greensboro, N.C. 27409. Having carefully considered the firm's comments, the Agency has concluded that the following changes should be set forth as listed below. Since these changes are nonsubstantive in nature and merely clarify and editorially amend existing regulations, notice and public rulemaking procedures pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b)(B), are not prerequisite to the promulgation of this regulation. This order is effective on July 6, 1978.

Dated: June 29, 1978.

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

I. Part 180, Subpart C, is amended in §§ 180.213, 180.218, 180.220, 180.222, 180.243, 180.258, 180.265, 180.279, 180.298, 180.323, 180.329, and 180.368 as follows:

1. Section 180.213 is revised by editorially reformatting the section into an alphabetized columnar listing and including forage and hay in the tolerances on alfalfa, Bermuda grass, and grass, as follows:

§ 180.213 Simazine; tolerances for residues.

Tolerances are established for residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino) - *s* - triazine) in or on the following raw agricultural commodities:

Commodity	*Parts per million*
Alfalfa	15
Alfalfa, forage	15
Alfalfa, hay	15
Almonds	0.25
Almonds, hulls	0.25
Apples	0.25
Artichokes	0.5
Asparagus	10
Avocados	0.25
Bermuda grass	15
Bermuda grass, forage	15
Bermuda grass, hay	15
Blackberries	0.25
Blueberries	0.25
Boysenberries	0.25
Cattle, fat	0.02(N)
Cattle, mbyp	0.02(N)
Cattle, meat	0.02(N)
Cherries	0.25
Corn, fodder	0.25
Corn, forage	0.25
Corn, fresh (inc. sweet K+CWHR)	0.25
Corn, grain	0.25
Cranberries	0.25
Currants	0.25
Dewberries	0.25
Eggs	0.02(N)
Filberts	0.25
Goats, fat	0 02(N)
Goats, mbyp	0.02(N)
Goats, meat	0.02(N)
Grapefruit	0.25
Grapes	0.25
Grass	15
Grass, forage	15
Grass, hay	15
Hogs, fat	0.02(N)
Hogs, mbyp	0.02(N)
Hogs, meat	0.02(N)
Horses, fat	0.02(N)
Horses, mbyp	0.02(N)
Horses, meat	0.02(N)
Lemons	0.25
Loganberries	0.25
Macadamia nuts	0.25
Milk	0.02(N)
Olives	0.25
Oranges	0.25
Peaches	0.25
Pears	0.25
Pecans	0.1(N)
Plums	0.25
Poultry, fat	0.02(N)
Poultry, mbyp	0.02(N)
Poultry, meat	0.02(N)

Commodity	Parts per million
Raspberries	0.25
Sheep, fat	0.02(N)
Sheep, mbyp	0.02(N)
Sheep, meat	0.02(N)
Strawberries	0.25
Sugarcane	0.25
Walnuts	0.25

2. Section 180.218 is revised by editorially reformatting the section into an alphabetized columnar listing and including the common name of the insecticide in the heading and text, as follows:

§ 180.218 Chloropropylate; tolerances for residues.

Tolerances are established for residues of the insecticide chloropropylate (isopropyl 4,4'-dichlorobenzilate) in or on the following raw agricultural commodities:

Commodity	Parts per million
Apples	5
Pears	5

3. Section 180.220 is revised by editorially reformatting the section into an alphabetized columnar listing and deleting "(includes popcorn)" from the tolerance of 0.25 ppm on corn grain in paragraph (a), as follows:

§ 180.220 Atrazine; tolerances for residues.

(a) Tolerances are established for residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-triazine) in or on the following raw agricultural commodities:

Commodity	Parts per million
Cattle, fat	0.02(N)
Cattle, mbyp	0.02(N)
Cattle, meat	0.02(N)
Corn, fodder, field	15
Corn, fodder, pop	15
Corn, fodder, sweet	15
Corn, forage, field	15
Corn, forage, pop	15
Corn, forage, sweet	15
Corn, fresh (inc. sweet K+CWHR)	0.25
Corn, grain	0.25
Eggs	0.02(N)
Goats, fat	0.02(N)
Goats, mbyp	0.02(N)
Goats, meat	0.02(N)
Hogs, fat	0.02(N)
Hogs, mbyp	0.02(N)
Hogs, meat	0.02(N)
Horses, fat	0.02(N)
Horses, mbyp	0.02(N)
Horses, meat	0.02(N)
Macadamia nuts	0.25
Milk	0.02(N)
Pineapples	0.25
Pineapples, fodder	10
Pineapples, forage	10
Poultry, fat	0.02(N)
Poultry, mbyp	0.02(N)
Poultry, meat	0.02(N)
Rye grass, perennial	15
Sheep, fat	0.02(N)
Sheep, mbyp	0.02(N)
Sheep, meat	0.02(N)
Sorghum, fodder	15
Sorghum, forage	15
Sorghum, grain	0.25
Sugarcane	0.25
Sugarcane, fodder	0.25
Sugarcane, forage	0.25
Wheat, fodder	5
Wheat, grain	0.25
Wheat, straw	5

(b) A tolerance is established for combined residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-*s*-triazine, 2-amino-4-chloro-6-isopropylamino-*s*-triazine, and 2-chloro-4,6-diamino-*s*-triazine in or on the following raw agricultural commodity:

Commodity	Parts per million
Grass, range	4

4. Section 180.222 is revised by editorially reformatting the section into an alphabetized columnar listing, deleting "(includes popcorn)" from the tolerance of 0.25 ppm on corn, grain and including the common name of the herbicide in the heading and text, as follows:

§ 180.222 Prometryn; tolerances for residues.

Tolerances are established for residues of the herbicide prometryn (2,4-bis(isopropylamino) - 6 - methylthio - *s* -triazine) in or on the following raw agricultural commodities:

Commodity	Parts per million
Celery	0.5
Corn, fodder, field	0.25
Corn, fodder, pop	0.25
Corn, fodder, sweet	0.25
Corn, forage, field	0.25
Corn, forage, pop	0.25
Corn, forage, sweet	0.25
Corn, fresh (inc. sweet K+CWHR)	0.25
Corn, grain	0.25
Cotton	1
Cottonseed	0.25

5. Section 180.243 is revised by editorially reformatting the section into an alphabetized columnar listing, including the common name of the herbicide in the heading and text, and alphabetically inserting the commodity sweet sorghum, as follows:

§ 180.243 Propazine; tolerances for residues.

Tolerances are established for negligible residues (N) of the herbicide propazine (2 - chloro - 4,6 - bis(isopropylamino) - *s* - triazine in or on the following raw agricultural commodities:

Commodity	Parts per million
Sorghum, fodder	0.25(N)
Sorghum, forage	0.25(N)
Sorghum, grain	0.25(N)
Sorghum, sweet	0.25(N)

6. Section 180.258 is revised by editorially reformatting the section into an alphabetized columnar listing, including the common name of the pesticide in the heading and text, and correcting the spelling of the chemical name, as follows:

§ 180.258 Ametryn; tolerances for residues.

Tolerances are established for residues of the desiccant and herbicide (2-ethylamino) - 4 - (isopropylamino) - 6 - (methylthio)-*s*-triazine in or on the following raw agricultural commodities:

Commodity	Parts per million
Bananas	0.25
Corn, fodder	0.5
Corn, forage	0.5
Corn, fresh (inc. sweet K+CWHR)	0.25
Corn, grain	0.25
Grapefruit	0.1(N)
Oranges	0.1(N)
Pineapples	0.25
Pineapples, fodder	0.25
Pineapples, forage	0.25
Potatoes	0.25
Sugarcane	0.25
Sugarcane, fodder	0.25
Sugarcane, forage	0.25

7. Sections 180.265 and 180.279 are revised editorially reformatting the sections into alphabetized columnar listings and including the common names of the herbicides in the headings and texts as follows:

§ 180.265 Terbutryn; tolerances for residues.

Tolerances are established for negligible residues (N) of the herbicide terbutryn (2 - *tert* - butylamino - 4 - ethylamino - 6 - methylthio - *s* - triazine) in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, fodder	0.1(N)
Barley, grain	0.1(N)
Barley, green	0.1(N)
Barley, straw	0.1(N)
Sorghum, grain	0.1(N)
Wheat, fodder	0.1(N)
Wheat, grain	0.1(N)
Wheat, green	0.1(N)
Wheat, straw	0.1(N)

§ 180.279 Chlorbromuron; tolerances for residues.

Tolerances are established for combined negligible residues of the herbicide chlorbromuron (3-(4-bromo-3-chlorophenyl) - 1 - methoxy - 1 - methylurea) and its metabolites containing the 4-bromo-3-chloroaniline moiety in or on the following raw agricultural commodities:

Commodity	Parts per million
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Corn, fodder	0.2(N)
Corn, forage	0.2(N)
Corn, fresh (inc. sweet K+CWHR)	0.2(N)
Corn, grain	0.2(N)
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)
Horses, meat	0.1(N)
Potatoes	0.2(N)
Poultry, fat	0.1(N)
Poultry, mbyp	0.1(N)
Poultry, meat	0.1(N)
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Soybeans	0.2(N)
Soybeans, forage	0.2(N)

Commodity	Parts per million
Wheat, grain	0.2(N)
Wheat, straw	0.2(N)

8. Section 180.298 is revised by editorially reformatting the section into an alphabetized columnar listing and deleting the duplicate tolerance of 0.2 ppm on cottonseed and potatoes, as follows:

§ 180.298 Methidathion; tolerances for residues.

Tolerances are established for residues of the insecticide methidathion (*O,O*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl-2-methoxy- -1,3,4-thiadiazolin-5-one) in or on the following raw agricultural commodities:

Commodity	Parts per million
Alfalfa	6
Alfalfa, hay	6
Clover	6
Clover, hay	6
Cottonseed	0.2
Grapefruit	2
Grass	6
Grass, hay	6
Lemons	2
Oranges	2
Peaches	0.05(N)
Pecans	0.05(N)
Potatoes	0.2
Sorghum, fodder	2
Sorghum, forage	2
Sorghum, grain	0.2
Sunflower seeds	0.5
Walnuts	0.05(N)

9. Sections 180.323 and 180.329, are revised by editorially reformatting the sections into alphabetized columnar listings and including the common names of the herbicides in the headings and texts, as follows:

§ 180.323 Secbumeton; tolerances for residues.

A tolerance is established for combined negligible residues (N) of the herbicide secbumeton (2 - (*sec* - butylamino) - 4 - ethylamino - 6 - methoxy - *s* - triazine) and its metabolites 2 - amino - 4 - (*sec* - butylamino) - 6 - methoxy - *s* - triazine, 2-amino - 4 - (3 - hydroxy - *sec* - buytylamino) - 6 - methoxy - *s* - triazine, 2 - amino - 4 - ethylamino - 6 - methoxy - *s* - triazine, and 2,4 - diamino - 6 - methoxy - *s* - triazine in or on the following raw agricultural commodity:

Commodity	Parts per million
Sugarcane	0.25(N)

§ 180.329 Dypropetryn; tolerance for residues.

A tolerance is established for negligible residues (N) of the herbicide dypropetryn (2-ethylthio-4,6-bis(isopropylamino)-*s*-triazine in or on the following raw agricultural commodity:

Commodity	Parts per million
Cottonseed	0.1(N)

10. Section 180.368 is revised in the heading and text by including the common name of the herbicide as follows:

§ 180.368 Metolachlor; tolerances for residues.

A tolerance is established for combined residues of the herbicide metolachlor (2 - chloro - *N* - (2 - ethyl - 6 - methylphenyl) - *N* - (2 - methoxy - 1 - Methylethyl)acetamide) and its metabolites, determined as the derivatives, 2 - ((2 - ethyl - 6 - methylphenyl) - amino)propanol and 4 - (2 - ethyl - 6 - methylphenyl) - 2 - hydroxy - 5 - methyl - 3 - morpholinone, each expressed as the parent compound, in or on the following raw agricultural commodity:

* * * * *

II. As a consequence of the above changes, the following nine items are deleted from the alphabetical listing of pesticide chemicals at the beginning of 40 CFR Part 180:

2,4-Bis(Isopropylamino)-6-Methylthio-S-Triazine.
3-(4-Bromo-3-Chlorophenyl)-1-Methoxy-1-Methylurea.
2-(Sec-Butylamino)-4-Ethylamino-6-Methoxy-S-Triazine.
2-Tert-Butylamino-4-Ethylamino-6-Methylthio-S-Triazine.
2-Chloro-N-(2-Ethyl-6-Methylphenyl)-N-(1-Methoxy-4-Methylethyl Acetamide.
2-Chloro-4,6-Bis(Isopropylamino)-S-Triazine.
2-(Ethylamino)-4-Isopropylamino)-6-(Methylthio)-S-Triazine).
2-Ethylthio-4,6-Bis(Isopropylamino)-S-Triazine.
Isopropyl 4,4'-Dichlorobenzilate.

III. Also as a consequence of the above changes, nine new items are alphabetically inserted in the alphabetical listing of pesticide chemicals at the beginning of 40 CFR Part 180 to read as follows:

ALPHABETICAL LISTING OF PESTICIDE CHEMICALS

Name	Sec. No.
* * * * *	
Ametryn	180.258
* * * * *	
Chlorbromuron	180.279
* * * * *	
Chloropropylate	180.218
* * * * *	
Dipropetryn	180.329
* * * * *	
Metolachlor	180.368
* * * * *	
Prometryn	180.222
* * * * *	
Propazine	180.243
* * * * *	
Secbumeton	180.323
* * * * *	
Terbutryn	180.205
* * * * *	

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

[FR Doc. 78-18583 Filed 7-5-78; 8:45 am]

[4310-10]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Appendix D

Correction

In FR Doc. 78-230 which appeared at page 1072 in the issue for Friday, January 6, 1978, a portion of appendix D to 43 CFR Part 20 was inadvertently omitted. Appendix D is corrected by inserting the list set forth below at the end of the list for the Geological Survey, Conservation Division (page 1087, third column) and immediately before the list for the Bureau of Mines.

APPENDIX D—LIST OF BUREAUS AND OFFICES, OR SUBUNITS THEREOF, PERFORMING FUNCTIONS OR DUTIES UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT AND POSITIONS WHICH THE SECRETARY HAS DETERMINED TO BE EXEMPT FROM REPORTING REQUIREMENTS OF SECTION 313

* * * * *

GEOLOGICAL SURVEY * * *

* * * * *

CONSERVATION DIVISION

* * * * *

Office of Conservation Manager, Western Region.

The following categories of personnel, engaged only in matters relating to the Outer Continental Shelf in the offices listed below, are exempt:

Electrical engineers.
General engineers.
Mechanical engineers.
Petroleum engineers.
Petroleum engineering technicians.
Structural engineers.
Environmental specialists.
Oceanographers.
Geologists.

Geophysicists.
Physical science technicians.
Accountants, GS-7 and above.
Cartographic technicians.

OFFICES REQUIRED TO FILE, IN WHICH SOME PERSONNEL ARE ENGAGED SOLELY IN OUTER CONTINENTAL SHELF ACTIVITIES

Office of Area Geologist, Eastern Region.
Office of District Geologist, Los Angeles, Calif.
Office of District Geologist, Ventura, Calif.
Office of Area Oil and Gas Supervisor, Los Angeles, Calif.
Office of Area Oil and Gas Supervisor, Anchorage, Alaska.
Office of Area Geologists, Anchorage, Alaska.

* * * * *

[6315-01]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6730-1a]

PART 1067—FUNDING OF CSA GRANTEES

Subpart—Denial of Application for Refunding

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: This regulation revises CSA's current rules governing the scheduling of show-cause hearings prior to denial of refunding to certain grantees. The present regulations were issued in 1970 before the adoption of the Community Services Act which changes OEO to CSA and its language does not reflect the new act. This revision is intended to bring the language of this regulation up-to-date.

DATES: This rule is effective July 6, 1978.

FOR FURTHER INFORMATION CONTACT:

John C. Meyer, Office of General Counsel, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, phone 202-254-5234.

SUPPLEMENTARY INFORMATION: On June 9, 1977, the Community Services Administration published a proposed rule in the FEDERAL REGISTER (42 FR 29523) updating its regulations on denial of application for refunding. CSA received five (5) comments on the proposed regulation, all from grantees. One of these comments was based on the mistaken impression that the proposed regulation downgraded the denial of refunding hearing from a "show-cause" to an "informal" hearing. In fact, there is no change in the hearing requirement—it remains a show-cause hearing, which is an "informal" hearing, under section 604(2), as opposed to a formal hearing under section 604(3).

Another comment raised a similar objection, claiming that an "informal" hearing does not meet the "full and fair hearing" requirement of section 604(3) and offends due process requirements. However, denial of refunding is governed by section 604(2), not 604(3); as for the due process argument, there is no due process requirement for denial of refunding independent of the requirements of section 604(2) which both the proposed regulation and the one presently in force implement in nearly identical ways.

Another comment proposed that any reduction of 10 percent rather than 20 percent should be considered a denial of refunding. CSA considers that a grantee which receives over 80 percent of its previous funding is not denied refunding within the meaning of the act and that its administrative discretion to reallocate funds should not be further circumscribed.

Other comments advocated additional procedural protections for grantees, such as a procedure for an appeal of the decision of the responsible CSA official. It has been the experience of CSA that denial of refunding proceedings are in fact already quite lengthy and we do not believe that a case has been made for adding another step to such proceedings. Nor does CSA agree that a time limit should be set on how long before the end of the program year CSA can initiate a denial of refunding procedure. If such a procedure extends into the next program year, these regulations already provide for continued funding at previous levels until a decision is reached (§ 1067.2-4(c)). The same kind of protection exists for grantees compelled to attend a hearing at a regional office or even in Washington, D.C., since they are allowed to cover necessary travel expenses out of grant funds (§ 1067.2-5(b)).

Finally, an objection was raised to one of the few new features of the proposed regulation, a requirement that the grantee notify CSA of its request for an informal hearing within 30 days of receipt of a notice of intent to deny refunding. This requirement is intended to inform CSA whether the denial of refunding will be contested or whether the grant will be phased out within a reasonable time period. It has been the experience of CSA that grantees usually request a hearing within 30 days anyhow. As this is not a burdensome or difficult requirement, it is retained in the final regulation.

To summarize, all five comments advocated greater procedural protection of grantees. However, the previous regulation has not led to arbitrary denial of refunding for grantees in the past and the proposed regulation is not substantially different; it is clearly in conformity with section 604(2) of the act and it keeps a reasonable balance between CSA's need to be able to deny refunding to grantees which are not achieving program objectives and grantees' need for protection against arbitrary or unwarranted defunding. Consequently, the language of the proposed regulation is adopted.

45 CFR 1067.2 is amended as follows:

Sec.
1067.2-1 Applicability of this subpart.
1067.2-2 Purpose.
1067.2-3 Definitions.
1067.2-4 Procedures.
1067.2-5 Right to counsel and travel expenses.

AUTHORITY: Sections 213, 602, 604 of the Economic Opportunity Act of 1964, as amended; 81 Stat. 695, 78 Stat. 523, 81 Stat. 715 (42 U.S.C. 2796, 2942, 2944).

§ 1067.2-1 Applicability of this subpart.

This subpart applies to all public and private grantees financially assisted under sections 221, 222, and 312 of the Community Services Act of 1974, as amended, if the assistance is administered by the Community Services Administration.

§ 1067.2-2 Purpose.

This subpart establishes rules and review procedures for the denial of a current grantee's application for refunding under section 221, 222, or 312 of the act. It does not apply to any administrative action of CSA based upon any violation, or alleged violation, of title VI of the Civil Rights Act of 1964. In the case of such violation or alleged violation, the provisions of 45 CFR part 1010 (CSA Instruction 6004-01a) shall apply.

§ 1067.2-3 Definitions.

As used in this subpart—

(a) The term "CSA" means the Community Services Administration.

(b) The term "Director" means the Director of the Community Services Administration.

(c) The term "responsible CSA official" means the Director, Deputy Director, and any other official who is authorized to make the grant in question.

§ 1067.2-4 Procedures.

(a) The procedures set forth in this subpart shall apply only when a grantee's application for refunding is denied or reduced to a level at least 20 percent below its current level of operations (programs-in-place). These procedures apply only to grants under sections 221, 222, and 312 of the act and apply only to denial or reduction of refunding as based on circumstances related to the particular grant,

such as ineffective or improper use of Federal funds or noncompliance with CSA directives and grant conditions. Furthermore, these procedures do not apply to grants funded under section 222(a) which have specifically been identified as one time only fundings by either the relevant policy statement or special conditions. These procedures do not apply to reductions based on general policy, reduced appropriations or in instances where regardless of a grantee's current level of operations (programs-in-place), its application for refunding is not reduced by 20 percent or more. (The reduction of a grantee's funding by at least 20 percent as discussed above shall hereinafter be included in and referred to as denial of application for refunding.)

(b) CSA shall notify the grantee in writing of an intended denial of an application for refunding as far in advance of the end of the grantee's current program year as possible. This notice shall be signed by the responsible CSA official or, in the case of regionally administered grants, the regional director of the grantee's region. This notice shall state that CSA has made a tentative decision to deny the grantee's application for refunding and shall state the reasons for this decision. Finally, the notice shall offer the grantee an opportunity to show cause why CSA should not deny refunding, through the submission of written material to and/or an informal meeting with the responsible CSA official, or his designee. Any request for such and informal meeting must be made within 30 days of receipt of this notice.

(c) If the grantee requests an informal meeting as discussed in paragraph (b) of this section, it shall be scheduled as soon as possible but not less than 14 days after the date of the notice of denial of the application for refunding. If, without fault on the part of the grantee, its operating funds become exhausted before this informal meeting has taken place, it shall be afforded sufficient additional funding to maintain its existing level of program operations until the responsible CSA official has reached a decision on its refunding.

(d) This informal meeting shall be held in Washington, D.C., in the appropriate regional office, or in the city or county in which the grantee is located, at the discretion of CSA.

(e) If the official who conducts the meeting is not the responsible CSA official, he shall forward his recommendation, together with any written material submitted by the grantee, to the responsible CSA official. After conducting this meeting or receiving the recommendation of the CSA official who did conduct the meeting, the responsible CSA official shall inform the grantee in writing of his decision and the reasons for that decision.

§ 1067.2-5 Right to counsel and travel expenses.

(a) In all proceedings under this subpart, the grantee and CSA shall have the right to be represented by counsel or other authorized representatives. If the grantee does not have an attorney on its staff, the grantee's Board of Directors will be authorized to transfer sufficient funds from its current operating grant to pay reasonable attorney's fees. However, such fees shall not exceed $100 per day without the express written approval of CSA.

(b) If this meeting is held outside the city or county in which the grantee is located, travel and per diem expenses may be paid from the grantee's current operating grant for an attorney and two other representatives of the grantee to attend the meeting. Such travel and per diem expenses shall conform to applicable CSA travel regulations (CSA Instructions 6910-1a and 6910-2c found in 45 CFR 1069.3 and 1069.4).

GRACIELA (GRACE) OLIVAREZ,
Director.

[FR Doc. 78-18623 Filed 7-5-78; 8:45 am]

[4910-59]

Title 49—Transportation

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

[Docket No. 75-28; Notice 6]

PART 567—CERTIFICATION

Certification of Multistage, Vehicle; Correction

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Correction.

SUMMARY: In FR Doc. 78-5914 appearing at page 9604 in the FEDERAL REGISTER of March 9, 1978, a line in paragraph (b) of section 567.5 was inadvertently omitted from page 9605. That paragraph is amended by adding after the second sentence and before subparagraph (1)(i) the following sentence: "The label shall contain the following statements as appropriate." Further, the effective date which was listed as July 2, 1978, is amended to January 1, 1979, to coincide with new certification regulations applicable to chassis-cab manufacturers.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. David Fay, Engineering Systems Staff, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2817.

(Secs. 103, 108, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1403, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 28, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-18422 Filed 6-29-78; 9:44 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Third Revised Service Order No. 1296]

PART 1033—CAR SERVICE

Substitution of Refrigerator Cars for Boxcars

JUNE 29, 1978.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (third revised service order No. 1296).

SUMMARY: Third revised service order No. 1296 authorizes the Atchison, Topeka & Santa Fe (ATSF) to substitute two refrigerator cars for each boxcar ordered for transporting shipments of cotton from stations on its line to any station on the lines of the Atlanta & West Point Rail Road Co., ATSF, Chicago, Rock Island & Pacific Railroad (RI), Georgia Railroad Co., the Kansas City Southern Railway Co., Lousiville & Nashville Railroad Co., Missouri Pacific Railroad Co., St. Louis-San Francisco Railway Co., Seaboard Coast Line Railroad Co., Southern Railway Co., or Western Railway of Alabama because of an acute shortage on the lines of the ATSF. Stations on the lines of the RI are added by third revised service order No. 1296.

DATES: Effective 12:01 a.m., June 30, 1978. Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The order is printed in full below.

Decided June 29, 1978.

An acute shortage of boxcars for transporting shipments of cotton exists on the Atchison, Topeka & Santa Fe Railway Co. (ATSF) at stations on its lines in Texas and New

Mexico. The ATSF has an available supply of certain refrigerator cars that may be substituted for this traffic at the ratio of two refrigerator cars for each boxcar, and use of these refrigerator cars for the transportation of cotton is precluded by certain tariff provisions, thus curtailing shipments of cotton. There is a need for the use of these refrigerator cars to supplement the supplies of plain boxcars for transporting shipments of cotton. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered,

§ 1033.1296 Car service order No. 1296.

Substitution of refrigerator cars for boxcars. (a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1)*Substitution of cars.* The Atchison, Topeka & Santa Fe Railway Co. (ATSF) may substitute two refrigerator cars as described in paragraph (2) herein for each boxcar ordered for shipment of cotton from any station on the ATSF in Texas or New Mexico and destined to any other station on the ATSF, or to any station on the lines of the Atlanta & West Point Rail Road Co., *Chicago, Rock Island & Pacific Railroad Co., Georgia Railroad Co., the Kansas City Southern Railway Co., Louisville & Nashville Railroad Co., Missouri Pacific Railroad Co., St. Louis-San Francisco Railway Co., Seaboard Coast Line Railroad Co., Southern Railway Co., or Western Railway of Alabama and subject to the conditions provided in paragraphs (2) through (6) of this order.

(2) *List of refrigerator cars to be applied.* SFRC 1000-1899, SFRC 2300-2799, SFRC 50000-50199, SFRP 1972-2287.

(3) *Concurrence of shipper required.* The concurrence of the shipper must be obtained before two refrigerator cars are substituted for each boxcar ordered.

(4) *Rerouting restrictions.* Shipments of cotton for which two refrigerator cars are substituted for one boxcar must originate and terminate at stations on the railroads named in section (a)(1) of this order and must not be routed over any other carrier; except that shipments may originate or terminate in terminal switching service on connecting lines which do not participate in the line-haul.

(5) *Minimun weights.* The minimum weight per shipment of cotton for which two refrigerator cars have been substituted for one boxcar shall be that specified in the applicable tariff for the car ordered.

(6) *Endorsement of billing.* Bills of lading and waybills covering movements authorized by this order shall contain a notation that shipment is moving under authority of third revised service order No. 1296.

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 30, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

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

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18675 Filed 7-5-78; 8:45 am]

*Addition.

[7035-01]

[Amdt. No. 1 to Service Order No. 1323]

PART 1033—CAR SERVICE

DISTRIBUTION OF FREIGHT CARS

JUNE 30, 1978.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order, amendment No. 1 to service order No. 1323.

SUMMARY: There is a shortage of tri-level auto rack flatcars on the Burlington Northern (BN) and on the Union Pacific (UP) Railroads for the shipment of automobiles. Bi-level auto rack cars are available to these railroads but cannot be used because of tariff provisions requiring the use of tri-level cars. Service order No. 1323 authorizes the BN and the UP to substitute three bi-level cars for each two tri-level cars ordered by shippers for transporting automobiles. Amendment No. 1 extends this order for an additional 2 months.

DATES: Effective 11:59 p.m., June 30, 1978. Expires 11:59 p.m., August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

Decided June 30, 1978.

Upon further consideration of service order No. 1323 (43 FR 18555), and good cause appearing therefor:

It is ordered,

§ 1033.1323 Car service order No. 1323.

Distribution of freight cars. Service order No. 1323 is amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) Expiration date. The provisions of this order shall expire at 11:59 p.m., August 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1978.

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

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

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

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18676 Filed 7-5-78; 8:45 am]

[7035-01]

[Amdt. No. 2 to Corrected Service Order No. 1304]

PART 1033—CAR SERVICE

DISTRIBUTION OF COVERED HOPPER CARS

JUNE 28, 1978.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order, amendment No. 2 to corrected service order No. 1304.

SUMMARY: There is a shortage of jumbo covered hopper cars for transporting shipments of grain. A large number of these cars have been placed in unit-train service. Corrected service order No. 1304 provides that no common carrier by railroad shall permit the use of unit-grain-train service of more than twenty percent of its ownership of jumbo covered hopper cars. Amendment No. 2 extends corrected service order No. 1304 for 6 months.

DATES: Effective 11:59 p.m., June 30, 1978. Expires 11:59 p.m., December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

Decided June 28, 1978.

Upon further consideration of corrected service order No. 1304 (43 FR 9281 and 19048), and good cause appearing therefor:

It is ordered,

§ 1033.1304 Car service order No. 1304.

Corrected service order No. 1304 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(a) *Distribution of covered hopper cars.* * * *

* * * * *

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

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1978.

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

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

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

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18677 Filed 7-5-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Revised Service Order No. 1313]

PART 1033—CAR SERVICE

RAILROADS AUTHORIZED TO FORWARD PORTIONS OF CERTAIN MULTIPLE-CAR SHIPMENTS TRANSPORTING LESS THAN MINIMUM QUANTITIES SPECIFIED BY TARIFFS

JUNE 28, 1978.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order, amendment No. 1 to revised service order No. 1313.

SUMMARY: Many railroad tariffs require the tender of from two to twenty-four cars at one time. Because of severe car shortages the railroads are unable to furnish, at one time, all of the cars required to transport the shipment. Serious delays to cars occur while the shipper awaits receipt of the remaining cars required. Service order No. 1313 requires railroads to accept and forward partial shipments without delay when the carrier is unable to furnish, at one time, all of the cars required to transport the minimum quantities specified by the tariffs. The shipper tendering such partial shipment is required to complete the multiple-car shipment before tendering additional shipments in the same kind of car. Amendment No. 1 extends this order for an additional 5 months.

DATES: Effective 11:59 p.m., June 30, 1978. Expires 11:59 p.m., November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The amendment is printed in full below.

Decided June 28, 1978.

Upon further consideration of revised service order No. 1313 (43 FR 21893), and good cause appearing therefor.

It is ordered,

§ 1033.1313 Car service order No. 1313.

* * * * *

Revised service order No. 1313 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

Railroads authorized to forward portions of certain multipe-car shipments transporting less than minimum quantities specified by tariffs. * * *

(g) Expiration date. The provisions of this order shall expire at 11:59 p.m., November 30, 1978, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1978.

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

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

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

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18678 Filed 7-5-78; 8:45 am]

[7035-01]

[Service Order No. 1331]

PART 1033-CAR SERVICE

South Central Tennessee Railroad Co. Authorized To Operate Over Tracks Abandoned by Louisville & Nashville Railroad Co.

JUNE 30, 1978.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (service order No. 1331).

SUMMARY: The Louisville & Nashville Railroad Co. (LN), in docket AB-2 (Sub-No. 5), has been authorized to abandon its line between Colesburg, Tenn., and Hohenwald, Tenn. A new railroad, the South Central Tennessee

Railroad Co., has been formed to acquire and operate this line. Service order No. 1331 authorizes the South Central Tennessee Railroad Co. to commence operation of that portion of the line effective on the date of abandonment of operations by the LN in order to provide uninterrupted rail service to shippers located on this line.

DATES: Effective 12:01 a.m., July 1, 1978. Expires 11:59 p.m., January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The order is printed in full below.

Decided June 30, 1978.

The Louisville & Nashville Railroad Co. (LN) has been authorized by the Commission, in docket AB-2 (Sub-No. 5), to abandon its line between Colesburg, Tenn., and Hohenwald, Tenn., a distance of approximately 50.5 miles subject to the condition that it be offered for sale to any responsible purchaser for continued operation as a railroad. Such an offer has been made by the organizers of the South Central Tennessee Railroad Co. (SCTR) and accepted by the LN. Operation of this line by the LN will cease at the close of business on June 30, 1978. The LN has consented to use to its line between Colesburg and Hohenwald by the SCTR pending completion of its sale.

There are numerous shippers at Hohenwald and at other stations along this line who are solely dependent upon the continued operation of the line for essential railroad services.

It is the opinion of the Commission that an emergency exists; that operation by the SCTR over these tracks abandoned by the LN is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered,

§ 10331.133 Car service order No. 1331.

(a) *South Central Tennessee Railroad Co. authorized to operate over tracks abandoned by Louisville & Nashville Railroad Co.* The South Central Tennessee Railroad Co. (SCTR) is authorized to operate over tracks abandoned by the Louisville & Nashville Railroad Co. (LN) between former LN milepost 2 at Colesburg, Tenn., to the end of the track in the vicinity at milepost 52 at Hohenwald, Tenn., a distance of approximately 50.5 miles, pending disposition of an application of the SCTR seeking permanent authority to operate this line.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) In transporting traffic over these lines the SCTR and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) *Rates applicable.* Inasmuch as this operation by the SCTR over tracks previously operated by the LN is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via the LN, until tariffs naming rates and routes specifically applicable via the SCTR become effective.

(e) *Effective date.* This order shall become effective at 12:01 a.m., July 1, 1978.

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

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

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

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

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18679 Filed 7-5-78; 8:45 am]

[3510-22]

Title 50—Wildlife and Fisheries

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

PART 611—FOREIGN FISHERIES

Tanner Crab

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Interim final amendment.

SUMMARY: This notice contains an amendment to the regulations for foreign fishing for snow (Tanner) crab in the Bering Sea. This amendment extends the area in the fishery conservation zone (FCZ) in which foreign fishing for snow (Tanner) crab is permitted to an area north of a line drawn to 54° N. latitude and west of a line drawn at 173° W. longitude. This amendment is on an interim final basis. Therefore, comments will be solicited for 30 days after the effective date of this amendment.

DATES: Public comments are solicited and must be submitted by August 2, 1978. This interim final amendment is effective on July 3, 1978.

ADDRESS: Comments should be submitted to Mr. Harry Rietze, Regional Director. National Marine Fisheries Service. P.O. Box 1668. Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT:

Mr. Harry L. Rietze, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, telephone 907-586-7221.

SUPPLEMENTARY INFORMATION: The regulations (43 FR 10566-10567) published on March 14, 1978, implemented a preliminary fishery management plan (PMP) for snow (Tanner) crab which was originally published on February 16, 1977 (42 FR 9520-9550) and revised for 1978. The notice of availability of the supplementary environmental impact statement was published on September 6, 1977 (42 FR 44569). The PMP was prepared and implemented under authority of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1805 et seq.

In order to avoid gear conflict between foreign and domestic fleets, and

to reserve all of the species *C. bairdi* for expected harvest by vessels of the United States, those regulations restricted foreign fishing to waters north of 58° N. latitude and west of 164° W. longitude. At the time the PMP was implemented for 1978, it was expected that U.S. fishing effort would extend into the area south of 58° N. and west of 173° W., but it now appears that the U.S. fleet will not exploit that area in 1978.

As a result, the Japanese fishing industry, which is the only foreign nation authorized to fish for snow (Tanner) crab in the FCZ, formally requested that the North Pacific Regional Fishery Management Council (Council) endorse an amendment to the PMP authorizing foreign fishing south of the 58° N. line and west of 173° W. At the June 22-23, 1978, public meeting of the Council, this request was discussed. Thereafter, the Council voted unanimously to endorse such an amendment.

This amendment authorizes foreign fishing north of a line drawn at 54° N. latitude and west of a line drawn at 173° W. longitude in addition to areas presently authorized for foreign fishing. Corresponding amendments to the PMP have been made by the National Marine Fisheries Service (NMFS), and are on file at NMFS headquarters in Washington, D.C.

This amendment is consistent with the goals of the Council in its fishery management plan (FMP) (43 FR 21170; May 16, 1978) to reserve the species *C. bairdi* for domestic fishermen in that it would require that all *C. bairdi* caught by foreign fishermen in the area between 54° N. latitude and 58° N. latitude and West of 173° W. longitude to be returned to the sea. This amendment is also consistent with the Council's goal of avoiding gear conflict since U.S. fishermen are not presently fishing in these waters, nor are they expected to in the remainder of 1978.

The Assistant Administrator for Fisheries has determined that this amendment affects only foreign fishing. As such, this action involves a foreign affairs function of the United States and requirements for advance publication of proposed rulemaking do not apply. Furthermore, advance notice and opportunity for public comment on this rulemaking are unnecessary as the public has had the opportunity to comment on this foreign fishing restriction during the public comment period on the PMP, and during public hearings during the development by the Council of a Tanner Crab Fishery Management Plan. And most recently public comments have been solicited on the FMP which contained a substantially similar restriction, and which has recently been published for a 45-day public comment period (43 FR 21170, May 16, 1978).

However, in the interest of full public participation, this amendment is being made effective on an interim final basis, with an opportunity for further public comment.

Signed at Washington, D.C., this 30th day of June 1978.

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

AUTHORITY: 16 U.S.C. 1821.

50 CFR 611.91 is amended to read as follows:

§ 611.91 Tanner crab fishery.

* * * * *

(c) *General restrictions.* (1) No foreign fishing vessel may retain:

(i) Any female or soft-shell snow (Tanner) crab; or

(ii) Any crab of the species *C. bairdi* caught south of 58° N. latitude.

(2) Each foreign fishing vessel shall treat all crabs described in §611.91 (c)(1) in accordance with the requirements of § 611.13.

* * * * *

(f) *Closed areas.* No foreign fishing vessel may fish for snow (Tanner) crab:

(1) Within 12 nautical miles of the baseline used to measure the U.S. territorial sea; (2) east of 164° W. longitude; (3) south of 58° N. latitude between 164° W. longitude and 173° W. longitude; and (4) south of 54° N. latitude west of 173° W. longitude.

* * * * *

[FR Doc. 78-18683 Filed 7-5-78; 8:45 am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

U.S. TYPE 31—BURLEY TOBACCO

Experimental Sales of Burley Tobacco in United Form

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rule.

SUMMARY: It is proposed that, exclusively for the 1978-79 burley marketing season, the Official Standard Grades for Burley Tobacco, U.S. Type 31, grown primarily in Kentucky, Tennessee, Ohio, Indiana, Virginia, North Carolina, West Virginia, and Missouri be amended to permit burley tobacco, heretofore eligible for all official grades only when marketed tied in hands, to be also eligible for all official grades when marketed untied in bales in limited quantities and during specified times during the season for educational and research purposes.

DATES: Comments due on or before August 7, 1978.

ADDRESSES: Send comments in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Leonard J. Ford, Acting Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7235.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering a modification of the Official Standard Grades for Burley Tobacco, U.S. Type 31, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; U.S.C. 511 et seq.).

During the 1974-75 and 1975-76 burley marketing seasons, the Department cooperated with the University of Kentucky which was conducting experimental sales of untied baled burley tobacco. In these experiments, federal tobacco graders applied unofficial grades to the tobacco. This unofficial grading involved a determination by the Federal grader as to the official grade a particular lot of tobacco would have warranted if the lot had been properly prepared for market and displayed as part of a regularly scheduled auction. In the 1976-77 season, experimental sales were conducted, using both baled tobacco and tobacco packed loose on burlap sheets, by the Universities of Kentucky and Tennessee and various State Farm Bureaus. Again, only unofficial grades were applied by Government graders. Experimental sales were discontinued during the 1977-78 season and the Council for Burley Tobacco appointed a committee to further study the entire project. Subsequent to this study, the Council made recommendations to the Secretary of Agriculture for the conducting of further experimental sales of baled burley tobacco in the 1978-79 marketing year.

Based on numerous requests from the burley industry and, particularly, on the recommendations of the Council, the Department proposes, solely for the 1978-79 season and solely for experimental purposes, that on certain days during the season Federal graders apply official grades to limited quantities of untied burley tobacco packed straight in bales and offered for sale at auction centers throughout the entire burley production area.

Presently, the definition of "rework," § 29.3050, of the regulations provides that tobacco not tied in hands be graded NOG (no grade) a non-price-supported designation applied to tobacco which is classified as nested, off-type, rework, semicured, damaged 20 percent or more, abnormally dirty, containing foreign matter, and/or having an odor foreign to the type.

In order to accomplish the purposes discussed above, it is proposed that the definition of "rework" in section 29.3050, be amended to allow, for the 1978-79 marketing season only, that burley tobacco untied in bales to qualify for any of the official standard grades for which it meets the specifications providing that the leaves in said bale are not tied in hands, are packed straight and that the bales are 1 x 2 x 3 feet in size. It is proposed that such baled burley tobacco be officially graded only during 5 sales days at each warehouse during the 1978-79 season. Such sale dates may be determined by the Burley Sales Committee or other appropriate organization, however, three of the sale dates would be during 3 separate weeks preceding the Christmas holiday recess and two of the sale dates would be during 2 separate weeks after the recess.

The proposal by the Department is conditioned by the following:

1. That it is the responsibility of the operator of a warehouse to open the particular bale in a lot of tobacco chosen by a grader for inspection and to reseal that bale after inspection; and

2. That the producer is responsible for certifying that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material and that the bales are not nested.

The Department's instructions to graders would be amended to conform to these understandings.

All persons who desire to submit written data, views or arguments for consideration in connection with this proposal may file the same in duplicate with the Hearing Clerk, USDA, Room 1077, South Building, Washington, D.C. 20250, not later than August 7, 1978.

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

Section 29.3050 of the regulations is proposed to be amended as follows:

§ 29.3050 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting: (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market: *Provided*, That during the burley marketing season which will begin in November or December 1978 and end by April 1979, burley tobacco which is offered for sale in bales shall not be considered to require rework if

the tobacco in said bales is not tied in hands, is packed straight, and the size of the bale is 1 x 2 x 3 feet. *Provided further,* That: (1) tobacco marketed untied in bales will be officially graded only during 5 sales days at each warehouse which sale dates may be determined by the Burley Sales Committee or other appropriate organization; however, three of the sale dates shall be during 3 separate weeks preceding the Christmas holiday recess and two of the sale dates shall be during 2 separate weeks after the recess; (2) the operator of any warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection; and (3) the producer, by offering baled burley tobacco for sale, certifies that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material and are not nested.

Dated: June 30, 1978.

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

[FR Doc. 78-18670 Filed 7-5-78; 8:45 am]

[3410-05]

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO LOAN PROGRAM

Proposed Price Support for Baled Burley Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation is considering making price support available on limited quantities of untied 1978 crop burley tobacco offered for sale in bales and whether the grade loan rates for such tobacco should be the same as the grade loan rates for tobacco tied in hands. Burley tobacco is now marketed tied in hands of about 20 leaves. These changes have been requested by an industry group in furtherance of an experiment it is conducting to determine the feasibility of burley tobacco being marketed untied in bales so as to reduce market preparation costs. Interested parties are invited to submit written views and recommendations on this proposal.

DATES: Comments must be received by August 7, in order to be sure of consideration.

ADDRESS: Send comments to Acting Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Robert P. Hieronymus, 202-447-6695.

SUPPLEMENTARY INFORMATION: Burley tobacco has traditionally been marketed tied in hands of about 20 leaves. Currently, price support is available on burley tobacco prepared for market only in this manner.

The marketing system is structured to handle tobacco prepared in this manner although changes in marketing and processing procedures and techniques may be necessary to accommodate the handling tobacco in a different manner. The process of tying the tobacco in hands is time consuming and, therefore, costly to producers.

During the last few years, an industry group has been conducting an experiment to ascertain the feasibility of marketing untied burley tobacco. Producers participating in the experiment have prepared quantities of their tobacco for marketing both in burlap sheets, similar to the manner flue-cured tobacco is marketed, and in bales. Tobacco companies which buy tobacco at auction sale purchased the tobacco and evaluated both kinds of packages from the standpoint of transportation, storage prior to processing and processing. The Council for Burley Tobacco, Inc., Lexington, Ky., representing all segments of the burley industry, after evaluating the reported results of the experiment to date, has proposed for the 1978-79 marketing year a marketing program for educational and research purposes which includes marketing with price support, under procedures generally as set forth in this proposal, of a limited quantity of untied burley tobacco packed in bales.

The major objectives of the proposed amendments to the price support regulations are as follows: (1) A quantity of tobacco sufficient to allow evaluation of the effects on the various marketing and processing procedures could be marketed in bales with price support within the traditional marketing system; (2) all burley tobacco producers who desire to do so could participate equitably in the marketing of the limited quantity of tobacco that could be marketed in bales with price support; (3) the time of marketing in bales with price support would be spaced throughout the marketing season so as to afford maximum opportunity for warehousemen and buyers to make any necessary modification to their usual procedures and thus minimize any disruption to the marketing of burley tobacco tied in hands in the traditional manner; (4) because it is inherently difficult, if not impossible, to ascertain the quality and conditon of all the tobacco in a bale or bales at the time of purchase or consignment for price support at the warehouse, proper certification as to certain characteristics of the bales would be a condition of price support eligibility for producers whose baled tobacco is consigned for price support.

An issue which is not covered by the proposal but which would have to be decided if the proposal is adopted, is whether the grade loan rates for untied burley tobacco in bales should be the same as the grade loan rates for tobacco tied in hands.

PROPOSED RULE

Under the Tobacco Loan Program published in this part, Commodity Credit Corporation proposes to make price support available on untied 1978 crop burley tobacco packed in bales as set forth herein. Accordingly, it is proposed that 7 CFR part 1464 be amended by adding paragraph (e)(3) to § 1464.2 and by adding paragraph (a)(5) to § 1464.7 as follows:

§ 1464.2 Availability of price support.

* * * * *

(e) * * *

(3) For 1978 crop burley tobacco, eligible producers may obtain price support on untied burley tobacco packed in bales and offered for auction sale, subject to the following conditions:

(i) Applications for price support on baled tobacco: From September 1 through September 29, 1978, a producer who desires to market part of his/her burley tobacco in bales may request price support on such tobacco by filing an application with local County ASC Committee. At the time of filing the application for price support on baled tobacco, the producer shall certify that all bales delivered for price support will meet the following specifications and conditions:

(A) The quality and condition of the tobacco contained in each bale offered for sale as a single lot will be representative of the quality and condition of the tobacco contained in all other bales of the same lot.

(B) The tobacco in each bale will be stalk-cured.

(C) The bales will not contain any foreign matter or material.

(D) The bales will not be nested, and

(E) Any and all procedures and certifications which are normally required by law or regulation pertaining to burley production and marketing will be met and the prevailing standards for the application of and eligibility for price support will apply.

(ii) Limitation on quantity of tobacco which may be marketed in bales with price support: The maximum quantity of burley tobacco produced on a farm which a producer may market in bales with price support shall be 110 percent of the quantity approved for the farm by the County ASC Committee. A producer may

make application for price support on any quantity of tobacco not in excess of the effective farm poundage quota. Approval of the quantity for price support shall be determined as follows:

(A) If the effective farm poundage quota is 1,500 pounds or less, the entire amount of tobacco specified in the application shall be approved.

(B) If the effective farm poundage quota is more than 1,500 pounds, the amount approved shall be the larger of 1,500 pounds or 5 percent of the farm poundage quota but not to exceed the quantity requested.

(C) Notwithstanding paragraph (e)(3)(ii)(B) of this section, if the total quantity approved in paragraphs (e)(3)(ii) (A) and (B) of this section for all farms in a county is less than 5 percent of the total effective farm poundage quota for all farms in the county, the amount approved for each farm in paragraph (e)(3)(ii)(B) of this section shall be increased in an amount determined by subtracting the sum of the amounts approved in paragraph (e)(3)(ii) (A) and (B) from the total quantity requested on all applications, dividing the results into the amount determined by subtracting the amounts approved in paragraphs (e)(3)(ii) (A) and (B) of this section from 5 percent of the total effective farm poundage quota for all farms in the county to obtain a four place factor; and multiplying the factor by the difference between the quantity requested and the amount approved for the farm in paragraph (e)(3)(ii)(B) of this section.

(iii) Limitation on the times during which price support will be available on baled tobacco: Price support shall be available on baled tobacco: Price support shall be available on baled tobacco only on five sale dates at each warehouse. The sale dates may be specified by the Burley Sales Committee: *Provided*, That three of the sale dates shall be during 3 separate weeks preceding the normal Christmas holiday recess and two of the sale dates shall be during 2 separate weeks after the normal Christmas holiday recess.

(iv) Supplemental marketing cards for tobacco approved for marketing in bales with price support: A supplemental marketing card showing 110 percent of the pounds of baled tobacco approved for marketing with price support shall be issued for each farm for which approval is given. The supplemental marketing card together with the 1978 burley tobacco marketing card shall be used to identify any baled tobacco for which price support is desired. The warehouse shall mark "No Price Support" on a sale bill for any baled tobacco not identified by a supplemental marketing card. A separate sale bill marked "No Price Support" shall be prepared for that quantity of baled tobacco weighed in that is in exces of the balance of the pounds shown on the supplemental marketing card.

(v) Specification of bales:

(A) Bales accepted for price support must be 1 x 2 x 3 feet in size.

(B) The leaves in bales accepted for price support must be untied and oriented.

* * * * *

§ 1464.7 Eligible producers.

(a) * * *

(5) The producer has complied with any certification he/she may have executed with respect to any baled 1978 crop burley tobacco delivered for price support.

* * * * *

Prior to making any determinations, the Department will give consideration to comments, views and recommendations submitted in writing to Acting Director, Price Support and Loan Division.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741, South Building, USDA, 14th and Independence Avenue SW., Washington, D.C. 20013.

An approved Draft Impact Analysis is available from Robert Hieronymus, Price Support and Loan Division, ASCS, USDA, 3751, South Building, P.O. Box 2415, Washington, D.C. 20013, telephone 202-447-6695.

Signed at Washington, D.C., on June 30, 1978.

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

[FR Doc. 78-18669 Filed 7-5-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 210, 211 and 212]

ENVIRONMENT ASSESSMENT OF THE EXEMPTION OF MOTOR GASOLINE FROM MANDATORY PETROLEUM ALLOCATION AND PRICE REGULATIONS

Hearing Date Change

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of change of public hearing date.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of the change of the public hearing date for the environmental assessement on the pending proposal to exempt motor gasoline from the Mandatory Petroleum Allocation and Price Regulations previously set out in a notice of availability, request for comments and public hearing issued June 26, 1978 (43 FR 27995, June 28, 1978), in order to give more time for the preparation of oral statements. The hearing originally scheduled for July 12, 1978, is hereby rescheduled for July 14, 1978; the time for submitting requests to speak is extended from July 7, 1978, to July 11, 1978.

DATES: Hearing date: July 14, 1978 9:30 a.m.; Comments by July 18, 1978, 4:30 p.m.; requests to speak by July 11, 1978, 4:30 p.m.

Hearing location: Room 2105, 2000 M Street NW., Washington, D.C.

ADDRESSES: All comments and written requests to speak to: Hearing Management, Box UI, Economic Regulatory Administration, 2000 M Street NW., Room 2313, Washington, D.C. 20461; telephone requests to speak to: 202-254-5201.

FOR FURTHER INFORMATION CONTACT:

Robert G. Gillette (Public Hearing Management), Economic Regulatory Administration, 2000 M Street NW., Room 2222A, Washington, D.C. 20461, 202-254-5201.

William E. Caldwell (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-8034.

Carol M. Borgstrom (Office of NEPA Afairs), Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9760.

J. Thomas Wolfe (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 7146, Washington, D.C. 20461, 202-566-9750.

Issued in Washington, D.C., June 29, 1978.

DOUGLAS G. ROBINSON,
Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 78-18472 Filed 7-5-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-NW-13]

CONTROL ZONE AT RICHLAND, WASH.

Proposed Establishment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a control zone at Richland, Wash. The proposed control zone will be needed to provide controlled airspace protection for aircraft executing approaches to the Richland Airport. Establishment of the proposed control zone would expand the amount of controlled airspace in the area.

DATES: Comments must be received on or before August 17, 1978.

ADDRESSES: Send comments on the proposal, in triplicate, to:

Chief, Operations, Procedures, and Airspace Branch
Federal Aviation Administration
Northwest Region
FAA Building, Boeing Field
Seattle, Wash. 98108

The official docket may be examined at the following location:

Office of the Regional Counsel
Federal Aviation Administration
Northwest Region
FAA Building, Boeing Field
Seattle, Wash. 98108

FOR FURTHER INFORMATION CONTACT:

Dale C. Jepsen, Airspace Specialist (ANW-533), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash., 98108, telephone 206-767-2610.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before August 17, 1978, will be considered before action is taken on the proposed control zone. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the official docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, ANW-530, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108 or by calling 206-767-2610. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The proposed control zone is necessary to provide controlled airspace for aircraft executing a planned future instrument approach procedure to the Richland Airport. Accordingly, the Federal Aviation Administration proposes to amend § 71.171 (Subpart F) of the Federal Aviation Regulations to include the following:

RICHLAND, WASH.

That airspace bounded by a line beginning at latitude 46°15'46" N., longitude 119°13'06" W., thence clockwise along an arc of a 5-mile-radius circle centered on the Richland Airport (latitude 46°18'30" N. longitude 119°18'00" W.) to latitude 46°18'27" N., longitude 119°11'43" W., thence counterclockwise via an arc of a 5-mile-radius centered on the Tri-Cities Airport (latitude 46°15'50" N., longitude 119°16'53" W.) to point of beginning.

This control zone will be effective during dates and times as specified by Notice to Airmen and/or as published in the Airman's Information Manual.

DRAFTING INFORMATION

The principal authors of this document are Dale C. Jepsen, Air Traffic Division and Richard Salwen, Acting Regional Counsel, Northwest Region, Federal Aviation Administration.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the 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 Seattle, Wash., on June 21, 1978.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc. 78-18567 Filed 7-5-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-98-78]

INCOME TAX

Disclosure of Returns and Return Information to and by Attorneys and Other Offices and Employees of the Department of Justice

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to disclosure of returns and return information, including taxpayer return information, to and by attorneys and other officers and employees of the Department of Justice for use in preparation for proceedings or conducting investigations involving tax administration. These regulations specify when such disclosures can be made. This document also deletes certain existing regulations rendered obsolete by the Tax Reform Act of 1976.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 5, 1978. The regulations are proposed to be effective with respect to disclosures of returns and return information made on and after the date that these regulations are published in the FEDERAL REGISTER as a Treasury decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-22-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Diane L. Renfroe of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-6456, (not a toll-free call).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the regulations on procedure and administration (26 CFR part 301) under section 6103(h)(2) of the Internal Revenue Code of 1954 as added by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1674). These regulations are issued under the authority contained in section 6103(q) of the Internal Revenue Code of 1954 (90 Stat. 1685; 26 U.S.C. 6103(q)) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DISCLOSURE OF RETURNS AND RETURN INFORMATION TO ATTORNEYS OF THE DEPARTMENT OF JUSTICE IN MATTERS INVOLVING TAX ADMINISTRATION

Paragraph (a)(1) of proposed § 301.6103(h)(2)-1 allows inspection or disclosure of returns and return information (including taxpayer return information) to attorneys of the Department of Justice who are personally and directly engaged in preparing for any proceeding (or conducting any investigation that might lead to a proceeding) before a Federal grand jury or any Federal or State court in a matter involving or related to Federal tax administration. Such disclosures are limited by the requirements set out in subparagraphs (A), (B), and (C) of paragraph (2) of section 6103(h) and by the requirements of section 6103(h)(3).

SUBSEQUENT DISCLOSURES BY ATTORNEYS OF THE DEPARTMENT OF JUSTICE TO OTHER ATTORNEYS OF THE DEPARTMENT OF JUSTICE

Paragraph (a)(2) of proposed § 301.6103(h)(2)-1 provides for subsequent disclosure of returns or return information made available to attorneys of the Department of Justice under paragraph (a)(1) to other attorneys of that agency for certain limited purposes. First: Subdivision (i) provides for such subsequent disclosure in connection with preparation for any proceeding or with an investigation possibly leading to a proceeding described in paragraph (a)(1). Second: Subdivision (ii) provides for such subsequent disclosures in connection with a proceeding or investigation described in paragraph (a)(1) which also involves enforcement of a specific Federal criminal statute other than one descibed in paragraph (a)(1) provided that three conditions are met. First: Such matter must involve or arise out of the particular facts and circumstances giving rise to a proceeding or investigation involving tax administration. Second: The tax portion of such joint proceeding or investigation must have been authorized by the Assistant Attorney General for the Tax Division of the Department of Justice at the request of the Internal Revenue Service as a proceeding or investigation involving tax administration. Third: If the tax portion of the joint investigation or proceeding is terminated for any reason, the continued use in the nontax related investigation or proceeding of the returns or tax information derived from the taxpayer would require the court order provided by section 6103(i) of the Code.

SUBSEQUENT DISCLOSURE OF RETURNS AND RETURN INFORMATION TO OTHER PERSONS

Paragraph (b) of § 301.6103(h)(2)-1 allows attorneys of the Department of Justice to make necessary disclosures of returns and return information to other persons in the course of proper preparation for proceedings or conducting investigations described in paragraph (a). Such disclosures would include, for example, those made in interviewing witnesses and conducting settlement negotiations.

DELETION OF DISCLOSURE REGULATIONS UNDER SECTION 6103 PRIOR TO AMENDMENT BY THE TAX REFORM ACT OF 1976

This notice also deletes all the permanent disclosure regulations promulgated under section 6103 prior to amendment by section 1202 of the Tax Reform Act of 1976. The amendment to section 6103 enacted in 1976 significantly changed the statutory rules concerning disclosure of returns and return information. Since the existing permanent regulations were promulgated under the old statute, they are now obsolete and should be deleted.

AMENDMENT OF TEMPORARY REGULATIONS

Section 301.6103(h)(2)-1(a)(2) as proposed by this notice of proposed rulemaking reflects amendments made to § 404.6103(h)(2)-1(a)(2) of the temporary regulations on procedure and administration published today in the FEDERAL REGISTER as T.D. 7550.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

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

DRAFTING INFORMATION

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

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 301 are as follows:

PARAGRAPH 1. Sections 301.603(a), 301.6103 (a)-1, 301.6103 (a)-2, 301.6103 (a)-100, 301.6103 (a)-101, 301.6103 (a)-102, 301.6103 (a)-103, 301.6103 (a)-104, 301.6103 (a)-105, 301.6103 (a)-106, 301.6103 (a)-107, 301.6103 (a)-109, 301.6103(b), 301.6103 (b)-1, 301.6103(c), 301.6103 (c)-1, 301.6103(d), 301.6103 (d)-1, 301.6103(e), 301.6103(f), and 301.6103 (f)-1 are deleted.

PAR. 2. The following new section is added after § 301.6102-1(d):

§ 301.6103(h)(2)-1 Disclosure of returns and return information (including taxpayer return information) to and by attorneys and other officers and employees of the Department of Justice in preparation for proceeding or investigation involving tax administration.

(a) *Disclosure of returns and return information (including taxpayer return information) to and by attorneys of the Department of Justice.* (1) Returns and return information (including taxpayer return information), as defined in section 6103(b) (1), (2), and (3) of the Internal Revenue Code, shall, to the extent provided by subparagraphs (A), (B), and (C) of paragraph (2) of section 6103(h) and subject to the requirements of section 6103(h)(3), be open to inspection by or disclosure to attorneys of the Department of Justice (including United States attorneys) personally and directly engaged in, and for their necessary use in, preparation for any proceeding (or for their necessary use in an investigation which may result in such a proceeding) before a Federal grand jury of any Federal or State court in a matter involving tax administration (as defined in section 6103(b)(4)), including any such proceeding (or any such investigation) also involving the enforcement of a related Federal criminal statute which has been referred by the Secretary to the Department of Justice.

(2) Returns and return information (including taxpayer return information) inspected by or disclosed to attorneys of the Department of Justice as provided in paragraph (a)(1) of this section may also be used by such attorneys, or disclosed by them to other attorneys (including United States attorneys and supervisory personnel, such as Section Chiefs, Deputy Assistant Attorneys General, Assistant Attorneys General, the Deputy Attorney General, and the Attorney General), of the Department of Justice where necessary—

(i) In connection with preparation for any proceeding (or with an investigation which may result in such a proceeding) described in paragraph (a)(1), or

(ii) In connection with preparation for any proceeding (or with an investigation which may result in such a proceeding) described in paragraph (a)(1) which also involves enforcement of a specific Federal criminal statute other than one described in paragraph (a)(1) to which the United States is or may

be a party, *Provided*, Such matter involves or arises out of the particular facts and circumstances giving rise to the proceeding (or investigation) described in paragraph (a)(1) and further provided the tax portion of such proceeding (or investigation) has been duly authorized by or on behalf of the Assistant Attorney General for the Tax Division of the Department of Justice, pursuant to the request of the Secretary, as a proceeding (or investigation) described in paragraph (a)(1).

If, in the course of preparation for a proceeding (or the conduct of an investigation which may result in such a proceeding) described in subdivision (ii) of this subparagraph, the tax administration portion thereof is terminated for any reason, any further use or disclosure of such returns or taxpayer return information in such preparation or investigation with respect to the remaining portion may be made only pursuant to, and upon the grant of, a court order as provided by section 6103(i)(1)(A): *Provided, however*, That the returns and taxpayer return information may in any event be used for purposes of obtaining the necessary court order.

(b) *Disclosure of returns and return information (including taxpayer return information) by attorneys of the Department of Justice.* (1) Returns and return information (including taxpayer return information), as defined in section 6103(b) (1), (2), and (3) of the Code, inspected by or disclosed to attorneys of the Department of Justice as provided by paragraph (a) of this section may be disclosed by such attorneys to other persons, including, but not limited to, persons described in paragraph (b)(2), but only to the extent necessary in connection with the proper preparation for a proceeding (or in connection with an investigation which may result in such a proceeding) described in paragraph (a). Such disclosures may include, but are not limited to, disclosures—

(i) To properly accomplish any purpose or activity of the nature described in section 6103(k)(6) and the regulations thereunder which is essential to proper preparation for such proceeding (or to such investigation);

(ii) To properly interview, consult, depose, or interrogate or otherwise obtain relevant information from, the taxpayer to whom such return or return information relates (or such taxpayer's legal representative) or from any witness who may be called to give evidence in the proceeding; or

(iii) To properly conduct negotiations concerning, or obtain authorization for, settlement or disposition of the proceeding, in whole or in part, or stipulations of fact in connection with the proceeding.

Disclosure of a return or return information to a person other than the taxpayer to whom such return or return information relates or such taxpayer's legal representative to properly accomplish any purpose or activity described in this paragraph should be made, however, only if such purpose or activity cannot otherwise properly be accomplished without making such disclosure.

(2) Among those persons to whom returns and return information may be disclosed by attorneys of the Department of Justice as provided by paragraph (a)(1) of this section are—

(i) Other officers and employees of the Department of Justice, such as personnel of an office, board, division, or bureau of such department (for example, the Federal Bureau of Investigation or the Drug Enforcement Administration), clerical personnel (for example, secretaries, stenographers, docket and file room clerks, and mail room employees) and supervisor personnel (such as supervisory personnel of the Federal Bureau of Investigation or the Drug Enforcement Administration);

(ii) Officers and employees of another Federal agency (as defined in section 6103(b)(9)) working under the direction and control of any such attorney of the Department of Justice; and

(iii) Court reporters.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-18667 Filed 6-30-78; 4:10 pm]

[7710-12]

POSTAL SERVICE

[39 CFR Parts 224, 602]

INTELLECTUAL PROPERTY RIGHTS OTHER THAN PATENTS—REQUESTS FOR USE

Proposed Rules

AGENCY: U.S. Postal Service.

ACTION: Proposed rules.

SUMMARY: The proposed amendments promulgate the Postal Service's policy concerning the acquisition and management of intellectual property (other than patents), set out the function of the Postal Service's Intellectual Property Rights Board, and describe procedure by which requests for the use of intellectual property are processed. The information is provided to inform potential licensees and the general public.

DATES: Written comments must be received by September 5, 1978.

ADDRESS: Comments should be addressed to the Chairman, Intellectual Property Rights Board, Office of Contracts, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at Room 1011, Postal Service Headquarters, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

William J. Jones, 202-245-4603.

SUPPLEMENTARY INFORMATION: Section 401(5) of Title 39, United States Code, provides authority for the Postal Service to acquire and manage intellectual property rights such as trademarks, service marks, copyrights, and patents. The Postal Service has pursued a policy of obtaining such rights when necessary to meet its responsibility for effective management of the postal system (39 U.S.C. 101, 403, 2010, 3621). Procedures for the acquisition and management of patents rights are set out in section 9 of the Postal Contracting Manual, incorporated by reference at 39 CFR 601.100. The amendments to 39 CFR proposed at this time provide for the acquisition and management of intellectual properties other than patents.

The proposal amends 39 CFR 224.1 to include the management of the Postal Service's intellectual property as a function of the Procurement and Supply Department within the Administration Group. It also adds a new Part 602 to Subchapter H, concerning intellectual properties other than patents. Proposed § 602.1 sets out the policy of the Postal Service regarding the acquisition and management of intellectual properties other than patents.

Proposed § 602.2 lists the functions of the Intellectual Property Rights Board, a committee constituted by internal Postal Service directives consisting of representatives from the following organization: Procurement and Supply Department (the chair), Law Department, Customer Services Department, Finance Department, Research and Development Department, Real Estate and Buildings Department, Public and Employee Communications Department, and the Operations Group.

Proposed § 602.3 provides guidance on the procedure for the submission of requests for the use of intellectual property. The Postal Service may approve request contemplating a permissive (no fee) use of the intellectual property or a contractual (fee) use.

Accordingly, although exempt from the notice and comment requirement of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of Title 39, CFR:

PART 224—GROUPS AND DEPARTMENTS

§ 224.1 [Amended]

1. Amend paragraph (c) (1) of § 224.1 by inserting, immediately after the fourth sentence:

* * * * *

(c) * * *

(1) * * * It manages the Postal Service's intellectual property. * * *

2. Revise the heading of Subchapter H and add new Part 602 to read as follows:

SUBCHAPTER H—PROCUREMENT SYSTEM FOR THE U.S. POSTAL SERVICE: INTELLECTUAL PROPERTY RIGHTS OTHER THAN PATENTS

* * * * *

PART 602—INTELLECTUAL PROPERTY RIGHTS OTHER THAN PATENTS

Sec.
602.1 General principles.
602.2 Intellectual Property Rights Board.
602.3 Requests for use.

AUTHORITY: 39 U.S.C. 401(5)

§ 602.1 General principles.

It is the policy of the Postal Service to secure full ownership rights for its intellectual properties other than patents (hereinafter, intellectual properties) having significant economic or other business value, except when to do so would be contrary to the best interest of the Postal Service. Intellectual property rights shall be acquired and managed so as to:

(a) Promote the economic, operational, and competitive well being of the Postal Service;

(b) Limit restrictions on the use of Postal Service intellectual property to a minimum consistent with its statutory obligations;

(c) Assure that all potential users are treated fairly;

(d) Give due regard to other relevant considerations.

§ 602.2 Intellectual Property Rights Board.

In accordance with the foregoing policy, the Postal Service Intellectual Property Rights Board, with the approval of the Assistant Postmaster General, Procurement and Supply Department, formulates the program for the management of the Postal Service's rights in intellectual property. It identifies intellectual properties in which the Postal Service should secure its rights. It receives and makes recommendations for the disposition of applications for use of Postal Service intellectual property. It periodically reviews the intellectual property rights portfolio to determine the extent of the utilization of protected properties and recommends relinquishment of ownership when it considers ownership no longer desirable. It is advised by the Office of Contracts of performance under license agreements and makes recommendations for corrective measures when necessary. In consultation with the Law Department, it recommends appropriate action against unauthorized use of intellectual property.

§ 602.3 Requests for use.

(a) Requests for the use of intellectual property shall be addressed to:

Chairman, Intellectual Property Rights Board, Office of Contracts, U.S. Postal Service, Washington, D.C. 20260.

Requests should be accompanied by sufficient information concerning the requester and the use requested to allow reasoned consideration by the Board.

(b) Each request shall be considered in a timely fashion by the Board in accordance with the policy established herein. Requests favorably considered by the Board shall be submitted to the Assistant Postmaster General, Procurement and Supply Department, for approval.

(c) Approved requests contemplating a permissive (no fee) use of the intellectual property will be evidenced by a letter of permission furnished the requester on behalf of the Board.

(d) Approved requests contemplating a contractual (fee) use of the intellectual property shall be forwarded to the Office of Contracts, Procurement and Supply Department, for the negotiation of a satisfactory license agreement.

(e) Each license agreement shall be subject to legal review.

(f) Requesters shall be promptly advised of requests which are not approved.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel,
Law Department.

[FR Doc. 78-18518 Filed 7-5-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 141]

[FRL 920-1]

INTERIM PRIMARY DRINKING WATER REGULATIONS

Proposed Regulations for Control of Organic Chemical Contaminants in Drinking Water

AGENCY: Environmental Protection Agency.

ACTION: Supplemental Notice of Proposed Rulemaking and Extension of Public Comment Period.

SUMMARY: This notice supplements the notice of proposed rulemaking published in the FEDERAL REGISTER on February 9, 1978, proposing amendments to the National Interim Primary Drinking Water Regulations for the control of organic chemical contaminants in drinking water. Since the publication of the February notice, the Agency has gathered additional information in support of its proposed regulations and public comment is invited thereon.

This additional information includes a reassessment of the economic impact of the proposed regulations in light of comments received from several utilities; additional documentation relied upon by the Agency concerning the assessment of the health effects of organic chemical contaminants in drinking water; and additional infomation pertaining to the use of granular activated carbon, including an assessment of the air pollution and energy impacts of the regeneration furnace equipment associated with that treatment. To allow for an adequate opportunity for public comment on this additional information, the public comment period has been extended from July 31, 1978 to September 1, 1978.

DATES: The comment period for the proposed regulations is extended until September 1, 1978.

ADDRESS: Submit comments to: Victor J. Kimm, Deputy Assistant Administrator for Drinking, Environmental Protection Agency (WH-550), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Cotruvo, Director, Criteria and Standards Division, Office of Drinking Water (WH-550), Environmental Protection Agency, Washington, D.C. 20460, 202-472-5016.

SUPPORTING DOCUMENTATION: The following supporting documentation is referenced in this notice and is available on request: "Revised Economic Impact Analysis of Proposed Regulations on Organic Contaminants in Drinking Water," prepared by Temple Barker, and Sloane (EPA, Office of Drinking Water, 1978); and "Operational Aspects of Granular Activated Carbon Adsorption Treatment" (EPA, Water Supply Research Division, MERL, 1978). Requests for these documents should be directed to the above address.

SUPPLEMENTARY INFORMATION: On February 9, 1978, EPA published proposed regulations for the control of organic chemical contaminants in drinking water (43 FR 5756 et seq.). These proposed regulations consist of two parts: A maximum contaminant level of 0.10 milligram per liter (mg/l) for total trihalomethanes and a treatment technique of granular activated carbon for the reduction of synthetic organic chemicals present in drinking

water. The proposed regulations have generated considerable public comment including written as well as oral comments presented at the public hearings held thus far by the Agency. These comments have raised several issues with respect to the proposed regulations which have led the Agency to gather additional information in support of its initial proposal. By this supplemental notice, this additional information is presented for public comment. An additional month until September 1, 1978, is provided for submission of such comments.

This notice includes the following additional information: A reassessment of the economic impact of the proposed regulations in light of information received from several utilities; additional documentation relied upon by the Agency concerning the assessment of the health effects of organic chemical contaminants in drinking water; and additional information pertaining to the use of granular activated carbon, including an assessment of the air pollution and energy impacts of the regeneration furnace equipment associated with that treatment technique. It should be noted that this additional information has not caused the Agency to alter its proposed regulations. Rather, this additional information is being published to provide the public with an adequate opportunity to comment. The contents of this notice thus supplements the supporting documentation which was provided when the proposed regulations were initially issued.

The Agency's intention in releasing this information is to facilitate public comment by providing more complete information on these issues which have been repeatedly addressed in the public comments received thus far. Some of the information is an attempt to state more clearly and simply the basis of the proposed regulations. Other parts of this notice and its supporting documentation contain new information gathered as a result of public comment. The Agency solicits public comment on all aspects of the information contained in this notice; all significant comments on this notice and on the original notice of proposed rulemaking will be addressed and responded to when the Agency issues regulations in final form.

The proposed regulations in question were issued under the authority of the Safe Drinking Water Act, as amended, specifically, sections 1401, 1412, 1415, 1445 and 1450. When the proposed regulations were published on February 9, 1978, reference was made to pending litigation in the United States Court of Appeals for the District of Columbia Circuit (43 FR at 5759). In the case of *Environment Defense Fund* v. *Costle*, issued February 10, 1978, No. 752224, 11 ERC 1209, the D.C. Circuit upheld the Administrator's action in not including more comprehensive regulations for the control of organic chemical contaminants in drinking water in the National Interim Primary Drinking Water Regulations which were promulgated on December 24, 1975, (40 FR 59566 et seq.). The Court held that the phased implementation of drinking water regulations contemplated by Congress under the act supported a finding that the Administrator had not abused his discretion in postponing the implementation of more comprehensive controls for organic chemical contaminants pending the availability of additional information. However, the Court remanded the record to the Agency for EPA to report whether it planned to propose amended interim regulations in light of newly acquired data which the Court was aware that EPA was gathering. The Court stated:

> In light of the clear language of the legislative history, the incomplete state of our knowledge regarding the health effects of certain contaminants and the imperfect nature of the available measurement and treatment techniques cannot serve as justification for delay in controlling contaminants that may be harmful (11 ERC at 1214).

Thus, the Court found that there was "serious question whether the EPA's failure to control total organics in the interim regulations was responsive to the statute's provision" (11 ERC at 1214), and deferred final judicial resolution of the issue pending further administrative action. Upon submission of the February 9, 1978, FEDERAL REGISTER notice to the Court, the Court has stated its intention to affirm the Administrator's issuance of the December 1975 regulations reserving to the Environmental Defense Fund the right to petition the Court for review of any action or inaction concerning the proposed regulations in question, and to recall the mandate if such recall be deemed necessary by the petitioners for the protection of its rights. The Agency perceives these proposed amendments to the interim regulations for the control of organic chemical contaminants in drinking water as directly responsive to the Court's opinion.

THE HEALTH BASIS OF THE PROPOSED REGULATIONS

EPA has received many comments questioning whether enough information on health effects of organic contaminants exists to justify the proposed regulations. These comments have generally accepted the fact that chloroform and other compounds present in some drinking water have caused tumors in laboratory tests when fed to animals at high doses, but they do not agree that this information forms a valid basis for reducing the levels of these compounds beyond the already low levels that occur in drinking water.

A frequent comment is that the National Academy of Sciences, in its report, "Drinking Water and Health," recommended against the establishment of a maximum contaminant level (MCL) for trihalomethanes and instead urged that further research be done. EPA believes this is a misinterpretation of the report. While the Academy did identify research needs, it clearly felt that the available information on chloroform (which forms the bulk of the trihalomethanes) was sufficient to justify regulation. After the Academy summarized this data, it concluded (p. 717):

> * * * it is suggested that strict criteria be applied when limits for chloroform in drinking water are established.

The health basis for the proposed standards has been fully supported by Federal agencies experienced in dealing with environmental carcinogens. These agencies include the National Cancer Institute, the National Institute of Environmental Health Sciences, the Food and Drug Administration, and the Occupational Safety and Health Administration. The approach EPA is taking in the drinking water proposal is consistent with the approach which these and other health-concerned agencies have taken in regulating human exposure to carcinogens, that is, to reduce human exposure to the extent feasible, provided the costs are reasonable.

The remainder of this section briefly summarizes the scientific basis of this approach and particularly of the judgment that even very low exposure to carcinogens poses a risk to public health. Since this basis applies equally well to all exposure routes, most of the discussion is general and does not refer specifically to the contaminants found in drinking water. Ample documentation of the occurrence of synthetic organic chemicals in drinking water and of the toxicological and epidemiological studies of them is contained in the preamble to the proposed regulations and the supporting materials referenced therein.

Several important scientific conclusions about the nature of cancer have played a role in this approach. First, there is the simple fact that exposure to some chemicals can cause cancer. The first evidence of chemical carcinogenesis in humans dates back to 1775, when Percival Pott noted that there were high rates of scrotal cancer in men who had been exposed to soot as chimney sweeps. During the 20th century, a number of industrial chemicals, such as benzidine, asbestos, and vinyl chloride, has been shown to produce cancer in workers exposed to high levels. In addition, it is generally

agreed that cigarette smoking and excessive exposure to sunlight can cause lung and skin cancer, respectively.

Second, there is evidence that environmental rather than genetic factors are causing a significant amount of human cancer. A classic epidemiological study was done of Japanese immigrants to the United States and their descendants. Japan has higher rates of stomach cancer and lower rates of colon cancer, compared to the United States. When the Japanese immigrated to the United States, their rates of stomach cancer fell and their rates of colon cancer increased. Among their children, the difference was even more marked: closer to the U.S. pattern and further from the Japanese pattern.

Something about the U.S. diet, lifestyle, or environment produces lower rates of stomach cancer and higher rates of colon cancer, while the same factors in Japan produce the opposite pattern. We don't know what these causative factors are but we can presume that it is something in the environment, since there was little change in the genetic makeup of the populations studied. A similar pattern has been observed in other studies. (The term "environment" in this context refers to everything humans are exposed to, including such things as cigarette smoking, food, and sunlight, as well as the results of environmental pollution in the usual sense.)

Third, scientists have developed methods for testing suspected carcinogens in laboratory animals. Since studies of cancer patients have only led to the identification of a small number of human carcinogens, usually in cases where there was a well-defined group exposed to high levels, and since we as a society do not allow intentional testing of humans with suspected carcinogens, some means was necessary to test the many thousands of chemicals used in our society and the new ones that are constantly being developed to determine their potential for harmful effects on humans.

Although the differences between humans and test animals (rats and mice) introduce an element of uncertainty in the use of animal data, the test results have been well confirmed: Of the known human carcinogens, all but a few also cause tumors in laboratory animals. Therefore, it is reasonable and prudent to place significant weight on animal data showing carcinogenic effects. These tests have been criticized for using doses much higher than those actually encountered by people. The high doses are necessary to produce a statistically valid response in enough of the animals so that conclusions can be reached without requiring many thousands of animals be tested. Additionally, the size of the dose is less important than its effect: If the result is cancer and not simply an overburdening of the animal's system, there is reason for concern. In view of the conclusion discussed below that even very small doses of carcinogens carry some risk, the animal tests at high doses are valid for indicating the presence of a cancer risk and the relative potency of the chemical tested.

In the case of organic contaminants in drinking water, there are also a series of human epidemiological studies that have attempted to relate human cancer rates to indicators of such contamination. This research has generally shown such a relationship. Such studies are difficult to interpret because other factors which may be related to cancer rates are also likely to be present in the large cities where high levels of organics have been found in drinking water. However, the research tends to reinforce the concern resulting from the presence of substances known to cause cancer in animal tests. They therefore serve as valid additional support for EPA's proposed regulations.

Finally, and perhaps the most controversial, is the conclusion that there is no safe level for a carcinogen and that any exposure, no matter how small, will result in some risk of cancer. This conclusion is based on the best available and generally accepted scientific knowledge concerning cancer and its causes. Cancer is believed to be the result of a small number of discrete events in the structure of a single cell which transform it into a cancer cell that can evade the body's defenses and grow in an uncontrolled way ultimately producing death. Very little is understood about how a chemical carcinogen interacts with a cell's DNA to cause the transformation, but it is believed that any case of chemical carcinogenesis is the result of a single molecule (or a small number of them), interacting with a single cell. It follows that exposure to a small amount of a carcinogen produces some small risk of cancer.

In addition, none of us is exposed to just one chemical or just one set of conditions, but rather many different chemicals and situations every day. The combined effects of many factors and chemicals may ultimately produce a cancer, so it is unrealistic to think of risks in terms of just one chemical.

The "no safe level" conclusion has important consequences. It means that exposures of large numbers of people even to very low levels of carcinogens are still a matter of concern, even if the risk to any particular individual appears negligible. For example, if everyone in the United States had a 1-in-100,000 chance of getting cancer as a result of such an exposure, certainly a very small risk, that would still mean 2,200 or so additional cases of cancer nationwide. It also means that the animal tests are valid bases for inferring human risk even with the very high doses which must be used in those tests for technical reasons. Although the environmental exposures are usually orders of magnitude lower than those used in the animal tests, the number of people exposed is orders of magnitude higher.

It should be noted that there are reputable scientists who do not accept the "no safe level" conclusion. Neither school of thought can be said, as a matter of scientific certainty, to have proven its case, and the disagreement is not likely to be resolved in the foreseeable future. Nevertheless, the regulatory agencies have found it prudent, as a matter of public policy, to take the conservative position of accepting the "no safe level" conclusion, since this position is more protective of public health and the preponderance of scientific opinion supports it.

To summarize, we know that a great deal of human cancer is caused by unknown factors in the environment. We also know that certain chemicals which cause cancer in animals are found in low levels in air, food, and drinking water and have reason to believe that low levels of animal carcinogens pose a risk to humans. These chemicals, and others which have not yet been tested, must be presumed to contribute to the total incidence of cancer, although the magnitude of the impact of each is unknown. They therefore warrant regulatory control to minimize long-term adverse effects on human health.

Since exposure to any amount of a carcinogen carries some risk, regulatory decisions cannot be based on determination of a safe level. But in many cases, complete elimination of the chemical from the environment is not feasible or has costs that society would be unwilling to pay. EPA and other regulatory agencies have therefore evolved the approach of minimizing any human exposure to carcinogens: *Provided*, The costs are reasonable. This is the approach that has guided the development of the proposed regulations to limit organic contaminants in drinking water.

EPA's evaluation of the health risk has been endorsed by the Director of the National Cancer Institute, Dr. Arthur C. Upton, and the Director of the National Institute of Environmental Health Sciences, Dr. David P. Rall. The texts of their letters to EPA Administrator Douglas M. Costle are reprinted in Appendix A.

Additional information on these and related issues may be found in the preamble to the Occupational Safety and Health Administration proposed regulations on Identification, Classification and Regulation of Toxic Substances Posing a Potential Occupational Carcinogenic Risk (42 FR 54148-83, Oct. 4,

1977), which is hereby incorporated by reference in this notice. Further discussion is contained in the comments made to OSHA by Arthur C. Upton, Marvin A. Schneiderman, William Lijinsky, Richard R. Bates, Umberto Saffiotti, Richard Peto, and Samual S. Epstein (OSH Docket No. 090), which are also incorporated by reference in this notice.

ECONOMIC IMPACT OF THE PROPOSED REGULATIONS

Since the U.S. Environmental Protection Agency (EPA) proposed a regulation for the control of organic chemical contaminants in drinking water in February 1978, the Agency has received a number of comments regarding the costs and financial feasibility of compliance with the regulations. This notice presents the results of an 8-week reassessment of the economic analyses prepared in 1977 as the regulation was being developed.[1] These results are fully documented in a report entitled "revised Economic Impact Analysist of Proposed Regulations on Organic Contaminants in Drinking Water," available on request.

The focus has been on the costs and financing of granular activated carbon (GAC) treatment systems. Although not the only treatment technique available for reduction of THM, GAC is the most expensive treatment technique contemplated under these regulations and the one on which the greatest number of public comments has been received thus far in the public comment period.

Three specific subjects have been addressed in this review:

- The capital and operating costs for granular activated carbon treatment installed at individual water systems
- The implications of changes in those unit costs for the economic impact of the proposed regulation at the national level and to residential customers of affected water systems
- The ability of water systems to raise the capital which would be needed to install GAC treatment

The examination included five major activities. First, selected equipment manufacturers and carbon suppliers were again contracted to verify or supplement previous data. Second, GAC cost estimates submitted to EPA by some water utilities were analyzed. An effort was made to fully understand the basis of estimates developed by three cities which had prepared the most thorough projections: New Orleans, Indianapolis, and Louisville. In fact, two of them were visited in person and the third was contacted by telephone in this process. This effort was meant to supplement four case studies conducted in 1976 as a basis for the costing methodology.

A recognized consulting engineering firm, Gannett, Fleming, Corddry, and Carpenter, Inc., was engaged to visit New Orleans and to prepare an independent preliminary estimate of capital costs for GAC treatment at New Orleans. The purpose of this element of the review was to have a consulting engineering firm examine the specific costs encountered at one water system. it was felt that this would help reconcile differences between EPA and the industry in this instance and could provide some feedback on more general assumptions.

In the evaluation of national and customer level impacts of the revised cost estimates, the Temple, Barker & Sloane, Inc. computerized Policy Testing Model (PTM)[2] of water utilities was again utilized. The model traces the effects of construction and operating cost impacts through the industry's financial structure to identify those economic effects.

Finally, to address the capital markets issues regarding the financing of GAC installations, EPA's consultants contacted representatives of Moody's Investors Service and two other financial institutions. These discussions identified the key financial ratios by which the financial investment community evaluates water utility bond issues. The project team then analyzed those ratios and the general financial condition of a sample of 27 water systems to determine the relative ease or difficulty such systems would have financing GAC installations at a range of costs.

The actual costs faced by a water system installing GAC would vary widely depending on a variety of factors. Perhaps most important is the quality of its raw water, which will be reflected in the contact time and regeneration frequency resulting from the pilot studies. Another is the layout of the existing treatment plant and the ease or difficulty of modifying it to accommodate the GAC equipment. Finally, each water system will have to make certain policy decisions concerning such matters as the amount of growth in demand to provide for, the amount of redundancy to allow in contactors and furnaces, etc. The cost estimates presented here reflect more conservative assumptions in all these areas. The Agency believes that, even with these more conservative assumptions, the final cost to the consumer is still of the same order of magnitude as the original estimates. The higher cost estimates presented here do not, therefore, change our judgment that the cost of GAC treatment, where required by the proposed regulations, is fully justified by its public health benefits.

The major findings of this review process are:

- The unit costs for GAC installations are now being revised upward from the figures published in 1977. Capital costs are being increased generally by 50 to 80 percent, primarily to adjust for inflation, to allow for contingencies and higher design, legal and financing fees, and to incorporate somewhat more conservative design parameters. Operating and maintenance expense estimates remain at levels very close to the former estimates.
- The range of technical assumptions has been narrowed somewhat in this review with a resulting impact on the change in the national cost estimates. The lower end of the previous cost estimate has been raised because a 6-month regeneration frequency is no longer included in these conservative estimates, although it may be enough in some cases. The higher end of the range has been reduced somewhat to reflect the estimate that 11 systems affected only by the THM regulation and 50 systems impacted by the GAC requirement, 61 systems in total would install GAC treatment. The national capital costs based on these assumptions and the December 1977 unit costs would be $352 to $585 million. The new unit costs presented in this report raise this range to $616 to $831 million.
- The estimates of local residential costs for model water systems of GAC treatment have also been increased generally by approximately 30 to 50 percent and could be higher for systems with significant site specific problems in implementation. The effect on residential bills for the average family of three will range from $7 to $26 per year depending upon system size, design parameters, and local conditions.
- Financing in the capital markets should be possible through normal financing channels for almost all of the systems under either a low or high GAC cost scenario presuming that rates are increased to cover the annualized capital costs and the O/M expenses associated with GAC treatment addition. Under the low cost scenario almost all could finance GAC with little or no difficulty, but under the high cost scenario about half of the

[1] "Economic Impact Analysis of a Trihalomethane Regulation for Drinking Water," prepared by Temple, Barker & Sloane, Inc. for EPA, Office of Water Supply, August 1977; and "Economic Analysis of Proposed Regulations on Organic Contaminants in Drinking Water," prepared by Temple, Barker & Sloane, Inc. for EPA, Office of Water Supply, December 13, 1977.

[2] For a description of PTM see Appendix A, "Economic Impact Analysis of a Trihalomethane Regulation for Drinking Water," prepared by Temple, Barker & Sloane, Inc. for EPA, Office of Water Supply, August 1977.

systems would have some difficulty and would have to phase in their financing, suffer some decline in financial strength, and/or perhaps increase revenues more than just the amount required to cover GAC capital and operating costs. A small number of systems would have major difficulty in financing and probably would have to arrange special financing or apply for relief under the Safe Drinking Water Act.

The analysis performed during this economic review will continue as more comments are received by EPA during the remainder of the public comment period.

GAC COSTS FOR THE INDIVIDUAL WATER SYSTEM

Following EPA's proposal in February 1978 of an organics regulation for drinking water, many of the public comments dealt with cost estimates for the installation and use of GAC treatment. EPA's contractor has reviewed the estimates presented at the public hearings and identified the major areas of difference in design and costs. The cost estimates used in EPA's earlier analyses have been reviewed and, in some areas, revised based upon the comments of the industry. The discussion which follows identifies the manner in which and the degree to which earlier estimates are being modified on the basis of this review.

As shown in Table 1, the result of these revisions is an upward adjustment of the capital costs by 50 to 80 percent.

As shown in Table 2, operating and maintenance expenses remain about the same as the former estimates.

The unit costs have been revised upwards primarily to adjust for inflation; to allow for contingencies and higher design, legal and financing fees; and to incorporate somewhat more conservative design parameters. A comparison of the major changes in capital cost assumptions is presented in Table 3 and discussed in more detail below.

Table 1
CAPITAL EXPENDITURES FOR GAC
INDIVIDUAL WATER SYSTEMS*

(millions of dollars)

	Original Estimates (1976 $)		Revised Estimates (1978 $)	
Contact Time	9 min.	18 min.	9 min.	18 min.
Population Served				
75,000-100,000	2.9	5.1	5.3	7.5
100,000-1 million	6.1	8.5**	9.2	12.6
Over 1 million	15.1	27.6	28.5	47.4

* Includes no additional site specific costs and assumes 2 month regeneration frequency.

** The figure of $11.3 million in the December 1977 estimates upon reexamination was found to be too high.

Table 2

ANNUAL OPERATING AND MAINTENANCE EXPENSES
FOR GAC INDIVIDUAL WATER SYSTEMS*

(millions of dollars)

	Original Estimates (1976 $)		Revised Estimates (1978 $)	
Contact Time	9 min.	18 min.	9 min.	18 min.
Population Served				
75,000-100,000	0.3	0.6	0.4	0.6**
100,000-1 million	0.7	1.3	0.9	1.3**
Over 1 million	3.1	5.6	3.7	5.9

* Assumes 2 month regeneration frequency.

** Rounding obscures impact of revisions.

Table 3

CHANGES IN CAPITAL COST ASSUMPTIONS FOR GAC

	Dec. 1977	June 1978
Contactor Sizing and Carbon Volume for 9 (or 18) minute contact time	Annual average daily flow	Peak month average daily flow
Regeneration Frequency	2-6 months	2 months
Furnace Sizing	Regeneration volume at design capacity	Regeneration volume at peak month flow with one spare furnace
Contingencies on items other than carbon	0 percent	15 percent
Fees for design engineering, pilot test, financing and legal	6-8 percent	15 percent
Cost basis	1976 dollars	1978 dollars
Allowance for unexpected site specific costs	0 percent	0-25 percent

CONTACTOR SIZING

Many water utilities felt that once a particular contact time was chosen as the most cost effective, carbon and contactor volume should then be sized to attain that contact time at flows that approached or exceeded design capacity. The GAC system design used as the basis of EPA's original economic analysis was designed to accommodate all possible flow rates through a plant, up to and including a plant's design or hydraulic capacity. All system elements which affect flow rates, such as piping and pumps, were sized at design capacity.

However, contactors and carbon in the original EPA analysis were designed to provide a contact time of 9 or 18 minutes at a system's average daily flow. At higher flows, the desired contact time would be less than 9 or 18 minutes while at other times the contact time would exceed 18 minutes. On average throughout the year, however, a 9 or 18 minute contact time would be maintained. It was assumed that the adsorption efficiency of each pound of carbon would not change appreciably within the range of contact times resulting from variations around average daily flow.

In the revised cost estimates for 9 and 18 minute contact time, carbon and contactor volume were sized on the basis of the average day of the maximum month which was assumed to be from 15 to 20 percent above average daily flow throughout the year. The change recognized that average daily production is growing in many systems and that construction should anticipate future needs. Also, the change reflects increased conservatism. While pilot tests might show that 9 or 18 minutes of contact time at average daily flow is sufficient to meet the regulation, this design builds in a safety factor.

FURNACE SIZING

In the original cost estimates, regeneration furnaces were sized to accommodate the amount of carbon that would need to be regenerated daily if a plant operated at design capacity. While this provided a margin of safety since plants would not be operating at design capacity for any appreciable length of time, industry comments generally favored redundant furnaces. It was decided to size the furnace such that the amount of carbon that would need to be regenerated on the average day in the maximum month could be accommodated with the largest furnace down, again a conservative assumption. Under the revised assumption furnace utilization rates vary from 28 to 53 percent compared to utilization rates of 53 to 70 percent in the original assumption. Given low utilization rates, maintenance problems associated with operating furnaces at such rates, and high capital cost of furnaces, many systems might explore alternatives. Stocking additional buffer carbon and operating a single furnace or relying on a regional regeneration facility when the single furnace is out of service are possibilities. After further contact with furnace manufacturers, no changes were made in the unit cost of the furnaces or the loading rate of 110 lbs/ft^2/day.

CONTINGENCIES

The previous EPA estimates did not include any allowances for contingencies. However, the revised estimates do incorporate contingencies on certain items to reflect cost uncertainties. Based on industry comments, contingencies of 15 percent in order to provide more conservative estimates are now being added to the cost of contactors, regeneration furnaces and modifications to hydraulics. The costs of items such as carbon are well defined and do not warrant an allowance for contingencies.

FEES

Fees for engineering, pilot testing, legal services and financing would be incurred by utilities adding GAC treatment. The previous estimates included only engineering fees of 6–8 percent of construction costs. Based on additional information from industry comments, these fees are increased to 15 percent of construction costs in the revised estimates.

INFLATION

In order to update costs to 1978 dollars from the 1976 dollar basis used in the previous estimate, an annual inflation rate of 8 percent was included. This was based on the National "Engineering News Record" Construction Cost Index.

SITE SPECIFIC COSTS

The modification to hydraulics cost in the economic analysis was intended to represent the costs of pumping water to and from the contactors and to cover any other site specific costs such as the purchase of additional land. Because of substantial site specific costs estimated by various water utilities, it was decided to leave the modification to hydraulics at its previous level and show a range of site specific costs. The range of 0–25 percent is based on comments received from water utilities thus far during the public comment period.

OPERATING AND MAINTENANCE EXPENSE

The operating and maintenance costs developed as part of the economic analysis of the proposed regulations received much less comment than the capital costs. The basic areas of disagreement centered around fuel usage and carbon loss upon regeneration. Carbon and furnace manufacturers were contacted and the relevant literature reviewed as part of the reassessment of the operating and maintenance costs. As a result, EPA fuel use estimates were increased to 5,000 BTU's per pound from 3,700–4,300 BTU's in the earlier analysis while carbon loss upon regulation was kept at 7 percent.

EXAMPLE

The relative impact of the unit capital cost revisions can be understood best through the examination of a specific example. Table 4 illustrates the typical impacts of the revisions on each component of the capital cost.

Table 4

ANALYSIS OF CAPITAL COST DIFFERENCES

(millions of dollars)

	Original Estimates ($ 1976)	Original Estimates Adjusted for Inflation to $ 1978	Revised Estimates ($ 1978)
Carbon Initial Fill	$ 5.0	$ 5.8	6.8
Modification to Hydraulics	3.0	3.5	3.5
Contactors	12.6	14.7	17.5
Regeneration Furnace	4.9	5.7	8.4
Buffer Carbon	0.5	0.6	0.6
Subtotal	26.0	30.3	36.8
Contingencies	--		4.4
Engineering Design, Pilot Testing, Legal and Financing Fee	1.6	1.9	6.2
Standard Project Cost	27.6	32.2	47.4
Site Specific Costs	--	--	0-11.9
Total Cost	$27.6	32.2	$47.4-59.3

Assumptions:

Average Daily Production: 256.8 MGD
Capacity: 359.8 MGD
Assumed Average Day in Maximum Month: 300.0 MGD

Contact Time: 18 minutes
Regeneration frequency: 2 months

As Table 4 shows, about $6.5 million or 33 percent of the increase in the standard project cost is due to the more conservative design assumptions for furnace capacity, contactor and carbon volume. Increasing fees, adding contingencies and accounting for inflation are equally responsible for the remaining cost differences. Approximately, the same percentage effect will be felt on standard project costs for other size categories and contact times.

NATIONAL COSTS OF THE REGULATIONS

The aggregate national cost of the regulations has been evaluated in terms of capital expenditure requirements, operations and maintenance expenses, and annual revenue requirements. The national costs reflect average conditions at individual systems across the country. In order to estimate these national figures, standard cost estimates for various components of the treatment systems were used with a cost for site specific impacts attributed to about one-half of the affected systems. Several system level factors could actually make costs higher or lower than the standard costs used to characterize individual systems. These factors would naturally affect the national aggregate figures as well. More specifically, the following factors could increase system level and national costs:

Multiple plants.

Local or site specific costs of redesigning an operating plant.

Factors which could decrease national costs include:

Multiple raw water sources where some plants of a utility would not be out of compliance.

Refined engineering design which may improve furnace utilization and better tailor other systems elements to local needs.

Less expensive furnace types (e.g., fluidized bed).

Operating practices which more strictly follow the letter of the regulation and seek to meet long run average standards rather than continuous maximum concentration levels.

Selection of filter media replacement rather than the construction of contactors by some systems.

The capital expenditure requirements, operating and maintenance expenses and annual revenue requirements are shown in Table 5 below. The costs for those systems affected by the THM regulation assume that approximately 30 percent of the systems will use GAC treatment, all with a 9 minute contact time. Costs for systems affected by the GAC treatment requirement or both regulations are presented as a range from 9 to 18 minute empty bed contact times.

The December 1977 national cost extimates are included as well, but require some explanation. Those costs as reported ranged from $292 to $685 million dollars in capital costs. The low end of that range was based on a 6 month frequency of regeneration estimate. The high end assumed that 28 systems which only were required to comply with the THM regulations would use GAC. Neither of these assumptions is currently considered as being realistic. The current assumption with regard to regeneration frequency is 2 months and the numer of GAC installations assumed to meet the THM regulation is 11. Therefore, the range of capital costs has narrowed to $352 million to $585 million. The change therefore between this range and the new range is explained completely by the GAC unit cast changes discussed above.

The revised national cost for the proposed regulation range as follows:

Capital expenditures will be in the $616 to $831 million range depending on whether 9 minute or 18 minute empty bed contact time is required to comply with the treatment regulation. Approximately 15 percent of the total is attributable to the trihalomethane regulation only, almost 60 percent to the treatment requirement only, and the remaining 25 percent to systems affected by both regulations.

Annual operating and maintenance expenses in 1981 will be in the $62 to $86 million range and once again, the systems affected only by the GAC treatment requirement comprise more than half the cost.

Annual revenue requirements are the total costs borne by all classes of customers in 1981 and will be in the $124 to $169 million range.

Table 5

NATIONAL COSTS OF PROPOSED THM AND TREATMENT REQUIREMENT REGULATIONS[a]

	Dec. 1977 Estimates (millions of 1976 dollars)	Revised Estimates (millions of 1978 dollars)
CAPITAL EXPENDITURES		
THM Regulation Only	$66[b]	$113
GAC Treatment Requirement Only	$198 to $359	$348 to $496
Both Regulations	$ 88 to $160	$155 to $222
Total	$352 to $585	$616 to $831
ANNUAL O/M EXPENSES		
THM Regulation Only	$14[b]	$16
GAC Treatment Requirement Only	$ 26 to $ 48	$ 32 to $ 48
Both Regulations	$ 12 to $ 21	$ 14 to $ 22
Total	$ 52 to $ 83	$ 62 to $ 86
ANNUAL REVENUE REQUIREMENTS		
THM Regulation Only	$18[b]	$27
GAC Treatment Requirement Only	$ 43 to $ 78	$ 67 to $ 98
Both Regulations	$ 19 to $ 35	$ 30 to $ 44
Total	$ 80 to $131	$124 to $169

[a]Costs represent the following assumptions: for the THM regulations, 11 systems use GAC; for the treatment requirement and those effected by both regulations, a 9 to 18 minute GAC contact time is required.

[b]EPA's December 1977 estimates considered a range of costs for the THM regulation which included 11 to 23 systems choosing GAC treatment. Based on industry comment, the higher estimate which led to a national capital expenditure estimate of $585 million has been dropped.

Note: All revised cost estimates include a 10 percent allowance for average site specific costs in excess of the revised unit cost estimates.

Table 6

ANNUAL RESIDENTIAL BILL IMPACT[a] OF GAC, 1981
INDIVIDUAL WATER SYSTEMS

Population Served	9 Minute Contact Time: Old Estimate (1976 Estimate)	9 Minute Contact Time: Revised Estimate (1978 Dollars) — No Site Specific Costs	9 Minute Contact Time: Revised Estimate (1978 Dollars) — With Site Specific Allowance[b]
75,000-100,000	$9.50	$16.20	$18.50
100,000 to 1 million	$7.20	$10.50	$11.90
Over 1 million	$4.80	$ 7.10	$ 7.90

Population Served	18 Minute Contact Time: Old Estimate (1976 Dollars)	18 Minute Contact Time: Revised Estimate (1978 Dollars) — No Site Specific Costs	18 Minute Contact Time: Revised Estimate (1978 Dollars) — With Site Specific Allowance[b]
75,000-100,000	$16.50	$23.00	$26.10
100,000 to 1 million	$13.10	$15.00	$17.00
Over 1 million	$ 8.60	$11.40	$12.70

[a]For a family of three, assuming that non-residential customers pick up the same proportion of GAC costs that they pick up of other costs.

[b]These costs include a 25 percent extra capital cost over the standard cost to allow for possible site specific items.

A comparison of the December 1977 estimates with the revised estimates indicated that the capital expenditure portion of the costs has increased the most dramatically (42 percent at the high end of the range), and that O. & M. has only increased slightly (4 percent) when the two sets of costs are put on a common basis. The resulting increase in 1981 annual revenue requirements is 29 percent when one looks at the high end of the cost range. The specific reasons for these changes were discussed above in relation to the GAC treatment costs.

Customer Costs of GAC

The local cost impacts which would be felt by residential customers of water systems which install GAC treatment are measured in terms of the annual average family's residential bill increase. These costs vary significantly depending upon the size of the water system (i.e., the population served), the design parameters (notable contact time) and the presence or absence of site specific additional costs. Revised representative cost impacts in 1981 for three system sizes are shown in Table 6 along with the December 1977 estimates. Those figures reflect costs only for systems using GAC treatments; the costs for customers of systems using other treatments ot comply with the trihalomethane regulation would be much lower.

As shown in the table, the annual cost per family in cities which experience no site specific problems would range from $7 to $16 assuming 9 minute contact time and $11 to $23 assuming 18 minute contact time. If significant site specific problems are encountered these costs would be greater. The revised cost estimated are typically to 70 percent greater than the December 1977 estimates.

Feasibility of Financing

Several systems have commented on the difficulties they might face if they are required to finance the GAC treatment cost. To assess the seriousness of this problem, EPA has performed a financial analysis of 27 water systems, both municipal and privately owned. The systems examined were drawn from the list of 30 released by EPA in its January 25, 1978, press release announcing the proposed regulation. It is important to note that although for the purposes of this analysis all those systems were assumed to require GAC treatment, in point of fact many will not. The purpose of the analysis was to determine the ease of difficulty likely to be encountered by the water utility industry when it seeks to raise the required funds. A meaningful financial analysis, however, can only be conducted on a system level. The individual systems are then categorized as to the ease or difficulty they are expected to encounter. The result is an indication of the industry's expected ability to finance the regulations. It is important to note, however, that although the analysis is intended to be indicative of the financial capability of utilities which might be affected by these regulations, it is not intended to be difinitive regarding the specific utilities examined.

The method employed by EPA to assess the system's capability was to examine the same financial ratios used by Moody's Investor Services in their credit analyses. Although the analysis could not be performed to the same degree of depth as that performed by the credit services, it was felt that the ratios serve as a reasonable proxy for the credit rating which in turn is an acceptable proxy for the utility's ability to finance these expenditures.

The analysis assumes that utilities will continue to use whatever forms of financing that they have used most recently and that they will be granted a rate increase exactly equal to the direct annual capital and operating costs of the GAC treatment facility. The financial ratios were compared before and after a GAC treatment facility was added. The results are summarized below in Table 7 for both a high- and low-cost scenario.

As shown in the Table, 21 of the 27 systems are expected to finance the GAC treatment with little or no difficulty under the low-cost scenario and 11 under the high cost case. These systems are currently strong financially (high debt service coverage ratios and strong credit ratings) and can be expected to remain in a similar condition even after raising the required funds.

Five utilities would be expected to encounter some difficulty financing the low cost investment; 13 in the high cost case. These systems may experience a decline in credit rating (with attendant higher interest costs) or be forced to supplant a planned capital expenditure with GAC. There are, however, several courses of action open to utilities in this group including revenue increases greater than direct GAC cost, other forms of financing, phasing of investments, relief under the Safe Drinking Water Act, or some combination of the above.

Table 7

ABILITY TO FINANCE GRANUALAR ACTIVATED CARBON TREATMENT UNDER A RANGE OF COST ASSUMPTIONS[a] (# SYSTEMS)

	Should Be Able to Finance Through Normal Capital Market Channels Under Normal Market Conditions		May Experience Major Difficulties Unless Present Circumstances Improve
	With Little or No Expected Difficulty	With Some Difficulty	
Cost Scenario			
Low GAC Cost	21	5	1
High GAC Cost	11	13	3

[a]The cost assumptions employed in this analyses are ment to be illustrative of the wide range of costs which might be incurred by affected utilities; the low cost and high cos assumptions do not refer to specific design-related scenarios. Specifically, low GAC Cost Scenario assumes GAC capital cost of $150,000/MG average daily production and annual operating cost of $10,000/MG average daily production. High GAC cost scenario assumes GAC capital cost of $400,000/MGD and operating cost of $20,000/MGD.

The final group, comprised of one system in the low-cost case and three in the high-cost case, are faced with major difficulties under their present circumstances. The reasons for this classification include a poor municipal credit situation, low credit ratings for the systems, low debt service coverage ratios, and a difficult regulatory or revenue-raising environment.

Conclusions

The preliminary reassessment of the economic impact of the proposed organics regulations has led to increased unit costs for GAC treatment addition. The major reasons for the revised cost estimates are the change from a 1976 to a 1978 dollar basis, increased allowances for contingencies on some capital items, increased allowances for engineering, legal and financing fees, increased furnace capacity and increased contactor capacity. Even at these increased levels of cost, however, approximately one-half the systems

will be able to finance GAC treatment addition with little or no difficulty. Only a few systems are expected to counter any serious difficulties when seeking access to the required capital funds.

As a result of the unit increases, costs are now estimated to range from 616 to 831 million 1978 dollars, an increase of 42 percent over the analogous high cost estimates of December 1977. Annual O. & M. estimates are estimated to range from $62 to $86 million and annual revenue requirements from $124 to $169 million.

The impact of GAC treatment on a family's residential bill in 1981 will result in an increase of approximately $7 to $16 assuming 9 minute contact time and $11 to $23 per family assuming 18 minute contact time. The annual cost per family in cities which have substantial site specific problems (at the level of 25 percent increased capital costs) would range from $8 to $19 in the 9 minute case and from $13 to $26 in the 18 minute case. These costs are still on the order $1 to $2 per family per month which is, in EPA's judgment, a very nominal cost.

EXPERIENCE IN THE USE OF ACTIVATED CARBON

Many comments have been received stating that granular activated carbon is a new and untried technology. While GAC used for removal of organic chemicals from drinking water, with regular regeneration of the carbon, is not now common practice in the American water works industry, it is far from a new and untried technology. It has been used for dechlorination, organic removal and turbidity control in the soft drink and beverage industry and for purification in the sugar refining industry. Its application in wastewater treatment is longstanding, particularly for the removal of organic chemicals. Even in drinking water, activated carbon has been used by a number of water utilities for taste and odor control.

While the operating parameters of a GAC system for removal of organic contaminants from drinking water will differ from these applications, the basic technology has been demonstrated through experience to be a generally available treatment technique.

FOOD AND BEVERAGE INDUSTRIES

Activated carbon is widely used as a decolorizing agent in the refining process for cane and beet sugars, as well as in the purification of corn sweeteners. Collectively, these decolorizing applications currently represent the largest single market sector for activated carbon. Demand for activated carbons in cane and beet sugar refining appears to be relatively unchanged from 1972 estimates of 10 million pounds and 4 million pounds, respectively. The overall use of activated carbon in corn sweetener processing has also changed very little over the past few years. However, if the recently developed sugar substitute HFCS (high fructose corn syrup) continues its popularity in replacing sugar, the demand for activated carbon in the processing of HFCS could approach to 2.6 million pounds per year.

Although activated carbon in sugar refining currently represents the largest single market for activated carbon, a variety of other edible products are also treated with activated carbon to remove undesirable odors, colors, and tastes. Fats and oils derived from vegetable and animal sources, frequently require treatment to remove color bodies and odor-causing impurities; water used in carbonated beverages is often sterilized with chlorine and the chlorine odor and taste removed with activated carbon; food ingredients such as pectin and gelatin are refined with activated carbon to remove color and off-flavors; and alcoholic beverages are treated with carbon to remove undesirable tastes or to remove colloidal materials which may cause a haze (chill haze) when the beverage is cooled. Many other related products are also treated with activated carbon as a general purification/reclamation process. Demand for activated carbon in these markets is estimated at 10 million pounds in 1976.

PHARMACEUTICAL PROCESSING

The use of activated carbon in pharmaceutical applications is characterized by a large number of small treatment systems, and includes the production of various antibiotics, hormones, vitamins, and other natural product preparations. In some applications the desired biochemical is adsorbed on the carbon from the diluted broth and is then filtered out of solution; the carbon filter cake is diluted with a suitable solvent, which is distilled to recover the biochemical. Other uses of activated carbon include the removal of color and biologically harmful materials from antibiotics, synthetic vitamins, and intravenous solutions. Demand in 1976 for activated carbon in pharmaceutical preparations is estimated at 7 million pounds per year.

WASTEWATER TREATMENT

Basically, the major types of carbon adsorption systems appropriate for wastewater treatment are: (1) Tertiary activated carbon treatment in sequence with primary and secondary (biological) processes; (2) independent physical chemical activated carbon (IPC) treatment with various pretreatments (but no secondary biological treatment); and (3) combined biological/activated carbon treatment where carbon is added to biological aeration tanks. The choice of an appropriate carbon treatment will depend on the nature and contaminant loading of the raw wastewater, the scale of operation, the specific effluent quality requirement and the economic and technical trade-offs among the available treatment techniques.

Activated carbon tertiary treatment processes are commonly designed for granular carbon and employ packed beds arranged in a variety of configurations (moving bed, downflow in series, downflow in parallel, upflow-expanded in series); provisions are usually made for on-site regeneration of the spent carbon. There are currently five such plants in operation and seven in stages of design or construction.

Independent physical-chemical (IPC) treatment processes, which are also primarily designed to use packed granular carbon beds in various configurations, can be used in place of secondary biological treatment.

MUNICIPAL WASTEWATER

Currently, activated carbon demand for municipal wastewater treatment is primarily defined by the requirements of the operating tertiary and IPC municipal treatment plants, and by initial fill requirements of plants that will be operating shortly. These plants utilize granular activated carbon, with provisions for on-site regeneration. After the initial fill requirements are met, consumption levels are on a make-up basis and depend on losses incurred during regeneration.

Carbon use rates for tertiary treatment of municipal wastewater are typically on the order of 200-400 pounds per million gallons, while higher use rates (500-1,500 pounds per million gallons) are generally considered for IPC municipal treatment processes. In actual practice, carbon use rates may vary considerably and may be substantially higher than those indicated if the watewater includes high organic loading contributions from industrial effluents.

It is estimated that demand for granular activated carbon in municipal tertiary and IPC treatment plants approached 1-1.5 million pounds in 1976 on a regeneration make-up basis, with an additional 8-10 million pounds delivered for use in treatment plants due to be on stream in 1977. Increased levels of consumption for granular activated carbon in municipal waste treatment can be expected as additional plants already in design and construction come on stream in 1977 and in subsequent years.

INDUSTRIAL WASTEWATER

In industrial wastewater treatment, activated carbon adsorption processes are used to remove hazardous materials; upgrade water for reuse, provide

the level of effluent quality required for discharge into waterways, or pretreat effluents prior to discharge into municipal treatment plants.

The demand for activated carbon in industrial wastewater treatment is diversely scattered over a number of large and small treatment facilities, and some of these are operated by outside service companies on a contract basis. Demand in 1976 for granular activated carbon for industrial waste treatment is estimated at 3-5 million pounds per year on a regeneration make-up basis plus initial fills of 5-10 million pounds for the large (20-million-gallon-per-day) Cyanamid treatment facility (granular carbon), DuPont (powdered carbon) treatment facilities (40 million gallons per day), and other smaller facilities due to come on stream.

Air Purification

Activated carbon is commonly used to remove odors, smoke, and other impurities from air in buildings and homes as well as in military and industrial gas masks and respirators. Carbon is used in filter cigarettes. A total of about 8 to 9 million pounds per year are in these applications.

Drinking Water Treatment

Activated carbon has been used for many years (and charcoal for centuries) to absorb compounds responsible for the unpleasant taste and odor sometimes found in drinking water systems. The most common and longest established procedure for using activated carbon to control taste- and odor-causing contaminants involves slurrying powdered carbon in the water and, after a suitable contact period, effecting its removal by settling, flocculation, or filtration.

Alternatively, granular activated carbon may be used in gravity columns through which water flows continuously. Most of these systems are used without prefiltration, and the granular activated carbon serves both as a filter and as an adsorbent. About 40 utilities in the United States currently use granular activated carbon for taste and odor control, and a high percentage of these use the granular carbon as a combined filtration/absorption medium. A list of cities using GAC is shown in Appendix B. Currently, approximately 35-40 million pounds of activated carbon per year are used for taste and odor control in drinking water; about 13 percent is GAC and the rest powdered activated carbon.

In addition to its major use in municipal potable water treatment works, relatively minor quantities of activated carbon (granular) are used in special filters and in disposable cartridges for the removal of taste- and odor-causing organics and residual chlorine in industrial, commercial, and residential installations.

GAC has been used in some European water treatment plants successfully for several years for controlling organic contaminants in drinking water. In the United States, however, only recently has considerable attention been given to reports of potentially hazardous organic compounds in the water supplies of many of the nation's largest communities. Many of these organic contaminants, including trihalomethanes and other significant organic chemicals are known or suspected toxics or carcinogens. The use of activated carbon to remove these trace organic contaminants from drinking water has gained significant recognition. The U.S. Environmental Protection Agency (EPA) has conducted both in-house and extramural studies on the use of GAC treatment techniques. It has concluded that it is technically and economically feasible to use GAC to control organic contaminants in drinking water to protect the public health.

Alleged Adverse Effects of Granular Activated Carbon

A number of technical issues concerning the use of GAC in water treatment have been raised in some comments received to date.

Questions have dealt with the possible growth of bacteria on GAC filters; the possible extraction of metals and organic compounds from carbon; and desorption or "sloughing" of chemicals off of carbon after they have once been adsorbed.

Information available to EPA ranging from the past literature to current studies has not indicated any substantial problems of these types from the use of GAC in treatment of drinking water. This information is summarized below and discussed in detail in the supplementary document "Operational Aspects of Granular Activated Carbon Adsorption Treatment."

Microorganisms and Granular Activated Carbon

A concern has been expressed about the growth of bacteria in GAC beds, suggesting that contamination with pathogenic organisms may result. The available data do not show any such danger.

Several common methods are employed in determining the extent of microbial populations in water. Coliforms have been used as indicators of the possible presence of pathogens. Standard Plate Counts (SPC) are used as an indicator of the overall control of bacterial populations and also include many nonpathogenic bacteria which may survive the treatment process or proliferate. Studies have not shown pathogens or coliforms to increase in concentration upon passage of treated water through GAC beds.

GAC removes residual disinfectant while concentrating chemical nutrients, so it is not surprising that general bacterial populations (as measured by Standard Plate Counts) may increase either on the carbon bed or in the water effluent. In fact, this phenomenon is utilized in the new "Biological Activated Carbon" treatment process to improve the efficiency of GAC and lengthen the time between reactivations.

The amount of bacterial activity in a GAC column is a function of several factors including: Number and type of bacteria in the applied water; nutrients in the applied water (e.g., total organic carbon); temperature; bed depth; time between backwashing; and total time in service.

Workers in the United States, England, France, Germany, and the Netherlands have studied the matter and found generally that the extent of bacterial growth on GAC filters is variable and that the bacterial populations in GAC treated water are easily controlled by a small amount of post disinfectant.

One such study used Ohio River water which was treated by coagulation and settling, followed by either dual media filtration or GAC (10 minutes empty bed contact time). No disinfectant was added anywhere in the treatment process. Coliforms were never detected in either the dual media filter or the GAC column effluents. Even after 4 months of operations the SPC in the GAC column effluent was consistently lower than in the dual media effluent. Both systems, without disinfectant, resulted in greater than 99% reduction in bacterial counts.

Endotoxins

Endotoxins are lipopolysaccharide-protein complexes produced in Gram-negative bacteria. The possible formation of endotoxins in GAC adsorbers has been studied because of the possible adverse health effects. Studies to date have not shown increased endotoxin concentrations in effluents from GAC filters.

In the same Ohio River water study described above, EPA scientists also monitored bacterial endotoxin concentrations following GAC treatment using the Limulus lysate bioassay. Endotoxin concentrations were reduced considerably by the treatment schemes. Mean concentrations were usually lower in the GAC effluent. No increase in endotoxin activity was observed in the GAC effluent.

In a survey now underway, samples are being collected from a dozen full-scale water treatment plants using GAC filtration. Time in service ranges up to 9 years and empty bed contact time range from 4 to 13 minutes. Thus far, no instances have been found where endotoxin levels increased through the GAC bed.

METALS AND OTHER INORGANIC ELEMENTS

Because granular activated carbon is derived from coal and other complex materials which contain inorganic elements, it is reasonable to inquire whether those substances remain in or on processed GAC and to what degree they can be extracted from GAC into water. Tests have shown that these elements do not leach from GAC into drinking water to any substantial degree, and therefore present no health hazard.

The quality of carbon suitable for use in drinking water systems would be the same type that meets the Food Chemical Codex requirements of the National Academy of Sciences. This currently includes quality specifications for arsenic (3 ppm), lead (10 ppm), heavy metals (40 ppm), and cyanogens and aromatics as determined by extraction tests. These permissible levels are virtually the same as the USP limits for medicinal carbon. Typical carbons used in water treatment are well within those specifications.

Detailed analysis of such carbon has detected many common elements: predominantly, iron, silicon, aluminum and calcium (which are of no health concern) as well as parts per million levels of lead, mercury, arsenic and several other toxic elements. Leaching tests using drinking water under simulated treatment conditions did not detect any leaching of metals, and except for calcium, only minimal amounts of metals were extracted by boiling in distilled water. Leaching occurred when the carbon was boiled with acid, a situation not likely to occur in drinking water treatment.

Calculations show that even if all of these elements would extract in common usage, an unlikely worst case situation, resulting concentrations in finished drinking water would still only be a miniscule fraction of current drinking water standards for those substances.

ORGANIC CHEMICALS

It is unlikely that many organic chemical substances woud survive the conditions of formation of GAC from coal; i.e. heating at temperatures approaching 2000° F. It could be postulated that some polynuclear aromatic compounds might be formed, but if so, it would be expected that these would be virtually irreversibly bound to the GAC. Studies involving extraction of GAC with benzene did not detect polynuclear aromatic hydrocarbons attributable to the GAC. In an extraction test using distilled water total effluent PAH's did not exceed the influent at parts per trillion levels.

It has also been suggested that chemicals that have been adsorbed on GAC may be desorbed or displaced abruptly by other chemicals that are more strongly adsorbed, thus resulting in high concentratons of the desorbed substance in the effluent. Adsorption and desorption occur within GAC. The differential migration of contaminants is presently unpredictable without onsite pilot studies; however, from the available data no evidence exists to support the premise that organic or inorganic materials are concentrated only to be released in bursts. The data show that desorption, when it occurs, is gradual and not abrupt, thus the need for periodic reactivation.

AIR POLLUTION AND ENERGY IMPACTS OF GAC

Questions have been raised about the impacts of GAC regeneration furnaces on air pollution and energy consumption. Because these issues were not fully discussed in the notice of proposed rulemaking, additional information has been assembled which is presented below.

AIR POLLUTION IMPACT

There are two aspects to the air pollution impacts of GAC regeneration furnaces: Emissions of criteria air pollutants, such as particulates, sulfur dioxide and nitrogen oxides, as a result of burning of the fuel and possible emissions of the organic compounds removed from the water by the GAC. These are discussed in turn.

The largest installation of GAC regeneration furnaces that would result from the proposed regulations would have an energy input of 930 million Btu/day for the entire facility, which would typically be provided by No. 2 fuel oil. (Natural gas may be available in a few cases; in these cases, the air pollution impacts would be lower.) No. 2 fuel oil typically has a sulfur content of 0.3 percent. The furnaces would be equipped with water scrubbers and afterburners, the cost of which are included in EPA's cost estimates. The scrubbers are estimated to remove about 50 percent of the sulfur dioxide in the flue gas. Based on these assumptions and on emission calculations provided by EPA's Office of Air Quality Planning and Standards, total emissions from the largest installation would be:

Pollutant Emissions (tons/year)

Particulates—9
Sulfur Dioxide—26
Nitrogen Oxides—51

In smaller cities, of course, the emissions would be correspondingly lower; these constitute the vast majority of cases.

Under regulations developed by EPA pursuant to the Clean Air Act, new sources of air pollution may be required to produce an "offset" or corresponding reduction of existing sources if they are located in areas that have not attained the ambient air quality standards ("non-attainment areas"). In addition, in areas meeting the ambient standards, new sources may be required to comply with EPA's regulations for the prevention of significant deterioration ("PSD"). In most situations, however, these requirements will not apply to sources emitting less than 50 tons/year. Since most of the furnace installations that might be required by these proposed drinking water regulations are not expected to emit more than 50 tons/year of any of these pollutants, they are not of a size to subject them to these air pollution requirements. Even where review may be necessary, it is not expected that sources of this size would have difficulty in obtaining approval.

There is little hard data on air emmissions of organic compounds removed from water as the activated carbon is regenerated. This issue is discussed further in "Operational Aspects of Granular Activated Carbon Adsorption Treatment." It is known that high temperatures will destroy organic compounds, converting them to carbon dioxide, water, and perhaps hydrogen chloride or similar compounds. Afterburners on the furnaces would destroy organics which may have escaped destruction in the furnace itself. While it is possible that some small portion of the organics removed from the water would be released into the air, it is clear that the resulting human exposure would be miniscule in comparison to exposure through drinking water in the absence of GAC treatment.

ENERGY IMPACTS

A number of questions have been raised concerning the energy impact of the proposed regulations. This impact was discussed in the preamble to the proposal, which stated:

> Fuel use by regeneration furnaces ranges widely by furnace type, size, and rate of utilization. Using 3,700 Btu per pound of GAC regenerated as an estimated midpoint of this range, annual fuel consumption under the mid-cost assumptions reviewed earlier would be 2.5 to 3.0 trillion Btu. This converts to 426 to 510 thousand barrels of distillate fuel oil or 2.5 to 3.0 BCF (billion cubic feet) of natural gas. On a national basis, these are relatively small quantities. If fuel oil were used exclusively, demand would equal approximately 0.04 percent of 1976 domestic distillate fuel oil demand or less than 0.01 percent of domestic crude oil demand. If natural gas were used, demand would be between 0.01 and 0.02 percent of 1976 domestic production.

The revisions made in the cost estimates, as described above, would increase these figures about a factor of 2. This would represent a substantial percentage increase in the energy consumption of the water supply industry, which currently uses few energy intensive processes. However, the Na-

tion's energy problem is one of total energy consumption relative to production. In this context, the energy requirements of the proposed regulations, less than 2,900 barrels/day oil equivalent and less than 0.02 percent of oil demand, is a completely negligible amount.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

JUNE 23, 1978.

APPENDIX A

NATIONAL CANCER INSTITUTE,
Bethesda, Md., April 10, 1978.

Dr. DOUGLAS M. COSTLE,
The Administrator,
U.S. Environmental Protection Agency,
Washington, D.C.

DEAR DOUG: I have reviewed the health basis of EPA's proposed regulations for control of organic contaminants in drinking water and am attaching my staff's analysis.* NCI is also planning to present a statement at the public hearinghs on the proposal to be held in Washington on May 5. Briefly, we support the judgment that these chemicals present a potential risk of cancer that should be reduced to the extent feasible.

Although it is not possible at this time to quantify the actual hazard from exposure to chemically contaminated drinking water or to determine the contribution to national cancer rates from drinking water, several conclusions can be drawn from the current thought on cancer cause and prevention.

1. Chemicals which have been shown to cause cancers in animal studies are commonly found in drinking water in small amounts.
2. Some known human carcinogens have been found in drinking water.
3. Exposure to even very small amounts of carcinogenic chemicals poses some risk and repeated exposure amplifies the risk.
4. Cancers induced by exposure to small amounts of chemicals may not be manifested for 20 or more years and thus are difficult to relate to a single specific cause.
5. Some portion of the population that is exposed is at greater risk because of other contributing factors such as prior disease states, exposure to other chemicals, or genetic susceptibility.

In addition, a number of epidemiological studies have been conducted which show a pattern of statistical association between elevated cancer risk rates and surrogates for organic contaminants in drinking water. While such studies are far from conclusive, when taken together with the toxicological data from animal testing, they constitute a further basis for public health concern.

While we do not have to have expertise to reach judgment on the feasibility of the treatment that would be required by the proposed regulations, we do believe that the potential risk justifies action and would encourage you to reduce the amounts of these chemicals in drinking water to the extent that is consistent with reasonably available means. I would be glad to help EPA in any way I can in their efforts to reduce human exposure to environmental carcinogens.

Sincerely yours,

ARTHUR C. UPTON, M.D.,
Director, National Cancer Institute,
National Cancer Program.

Enclosure.

POSITION PAPER

HUMAN HEALTH CONSIDERATIONS OF CARCINOGENIC ORGANIC CHEMICAL CONTAMINANTS IN DRINKING WATER

INTRODUCTION—BACKGROUND

Organic chemicals are being found in the water supplies of much of the United States. Some of them enter as a result of industrial activity—and some, namely the trihalomethanes, are the anticipated result of attempts to reduce bacterial contamination, by using chlorine as a purification agent. It has been possible to estimate the levels of some volatile organic chemicals in water, but non-volatile organics are much harder to identify and to measure. If any of these compounds are carcinogenic, the total quantity of cancer-causing materials in water will undoubtedly be considerably higher than the currently measured levels.

There is evidence of carcinogenicity of some compounds found in drinking water. The National Academy of Sciences, National Research Council, has, at the request of the Environmental Protection Agency, prepared a large volume "Safe Drinking Water" (Sometimes called the Roelich Report—after the first chairman of the NAS-NRC Safe Drinking Water Committee (1). The Report considers not only organic chemicals, but also microbiology (including viruses), solid particles, inorganic solutes and radioactivity. Discussion of specific problems is preceded by a long chapter on safety and risk assessment—which discusses most of the current issues of carcinogenesis: animal-to-man extrapolation, thresholds, dose-response, repair and interactions among materials. The volume is high quality, and the safety and risk assessment chapter reflects the most current thinking.

Several conferences relative to the biological effects of aquatic pollutants have been held (and their proceedings published). Notable among these was a New York Academy of Sciences conference (1976) (2) in which considerable attention was devoted to consideration of adverse effects on marine organisms, including tumorigenesis. In general, considerable laboratory research has been reported, while the epidemiology has far less frequently appeared in the literature.

IS THERE A PROBLEM

Suspicions concerning carcinogenicity of water pollutants (mainly industrial) led to work at the National Cancer Institute in the early 1950's (3). These studies were most concerned with industrially polluted water. Both these and later studies (4) found evidence of carcinogenicity—despite the crudity (compared to current techniques) of the chemical extraction methods and bioassay procedures. Berg and Burbank (5) related inorganic materials in river basins to cancer mortality and raised suspicions about nickel, arsenic, beryllium and lead.

The National Cancer Institute, working collaboratively with the U.S. Environmental Protection Agency compiled—from USA and European reports—a list of over 1,700 organic compounds found in water. These compounds have been found in various kinds of water ranging from raw water and industrial effluents to drinking water at the tap (6, 7, 8). The question with respect to these compounds is what do they do? Although there is some duplication in listing of carcinogens and mutagens, there are currently 23 carcinogens or suspected carcinogens, 30 mutagens or suspected mutagens, and 11 promoters in drinking water identified from a 1976 list of organic compounds found in drinking water in the United States (8) see Appendix A).

Many of the organic contaminants identified in drinking water such as chloroform, carbon tetrachloride, tricholoroethylene, 1,2-dibromoethane, vinyl chloride, bis(2-chloroethyl) ether, and others, have been proven as carcinogens in bioassays with the rodent (rat and mouse) in several laboratories including the National Cancer Institute. Additional evidence is provided from studies on marine animals which showed a four-fold tumor incidence in fish from polluted waters compared to those from less polluted waters (9).

Two sets of studies have been done looking for a relationship in humans between trihalomethanes and possible increases in cancer. The first set used presumed measures of chlorination—i.e., surface (likely to be chlorinated therefore likely to contain trihalomethanes) water vs. ground water (unlikely to be chlorinated). The second set used actual measures of the levels of trihalomethanes—the EPA's National Organics Reconnaissance Survey studies, and the EPA Region V studies. Nine of ten studies which involved the indirect indicators showed a number of statistically significant associations between water quality and cancer. The 10th study (Los Angeles) failed to identify any positive associations; however, it appeared to have limitations greater than those of any of the other studies, most particularly problems of great population movement (10).

The three "quantitative" studies (with measures of trihalomethane level) lead to the tentative conclusion that bladder cancer, and perhaps large intestine cancers are correlated with trihalomethanes in the water. The sites found positive in these studies are different from the sites (liver and kidney) found in the animal studies. One of the quantitative studies leads to the conclusion that a decrease of 100μg/l of chloroform in water could lead to a decrease in cancer rates as follows:

	Percent
Bladder:	
Men	1.3 to 7.5
Women	5.3 to 10.0
Large intestine:	
Men	4.0 to 8.5
Women	3.0 to 7.5

None of the authors of any of these studies asserts that the trihalomethane-cancer association is proved. But on a weight-of-evidence basis one should have a high index of suspicion.

PRINCIPLES

The report "Drinking Water and Health" by the Safe Drinking Water Committee of the NAS/NRC gives this "Summary of Principles for Extrapolating Animal Toxicity to Humans:" (1).

"Despite wide gaps in our knowledge of the metabolism and ultimate fate of chemicals in man, properly conducted experiments will yield results that can improve our estimates of the risk to human populations from long-term exposures.

"Many mechanisms for chemical carcinogenesis have been postulated. If the mecha-

* The NCI position paper will be forwarded to you under separate cover.

nism involves somatic mutation or alteration, there is no threshold dose for long-term exposure; if the mechanism is unknown, it is prudent to assume that DNA damage is involved. The idea that there is a 'safe' dose of such chemicals may be conceptually valid, but 'safety' cannot be established by any experimental method now available. Every dose should be regarded as carrying some risk. A 'most probable risk' can be estimated by appropriate statistical treatment of the results of experiments on animals, and once the benefits of use of a chemical have been defined and estimated, it is possible to weigh the health risks against the health benefits. The balance between them should then be the overriding consideration in regulating the amounts of such substances in the environment.

"The method used in classical toxicology for determining safe doses for short-term exposure of humans to drugs is to estimate a maximum exposure that is tolerated without adverse effects in a group of animals, and to apply a safety factor. This procedure is valid only for estimating the risk of reversible toxic effects. 'No-observed-adverse-effect dose' is a better term, because it makes clear that the exposure can often be a function of the size of the experiment—the larger the experiment, the lower this dose can be.

"Studies in laboratory animals must be used to predict the safety of environmental chemicals. Human epidemiological studies cannot be used to predict nor assure safety, for several reasons:

"1. Epidemiology cannot tell what effects a material will have until after humans have been exposed. One must not conduct what might be hazardous experiments on man.

"2. If exposure has been ubiquitous, it may be impossible to assess the effects of a material, because there is no unexposed control group. Statistics of morbidity obtained before use of a new material can sometimes be useful, but when latent periods are variable and times of introduction and removal of materials overlap, historical data on chronic effects are usually unsatisfactory.

"3. It is usually difficult to determine doses in human exposures.

"4. Usually, it is hard to identify small changes in common effects, which may nonetheless be important if the population is large.

"5. Interactions in a 'nature-designed' experiment usually cannot be controlled.

"With the possible exception of arsenic and benzene, the known human carcinogens are carcinogenic in some laboratory species. Therefore, animal studies of carcinogenesis in laboratory animals are useful for predicting effects in man.

"Thus, for ethical and practical reasons, data derived by using animals for toxicity testing are essential for protecting the public from harmful effects of new chemicals in the environment and probably also necessary for evaluating the potential harm of 'old' chemicals. By the same token, epidemiological surveillance studies are necessary for detecting the errors that will surely arise from use of the animal studies alone. Thus, epidemiological studies are both a last line of defense, and a means for verifying and adjusting the conclusions from animal studies."

These seem to be appropriate principles on which to base proposed actions for all sorts of contaminants—in water, or air, or foods, etc. As a summary:

1. Animal experimental data has demonstrated that many of the organic contaminants in water are carcinogens.

2. Evidence of carcinogenicity of a material in animals has in several instances been followed by similar evidence in humans. Conversely, all but one or two human carcinogens have been shown to produce cancer in animals.

3. Additive or more than additive effects from multiple exposures to an array of organic carcinogens in water are of such significance as to warrant an appraisal of the opportunity for magnification of the total carcinogenic burden which may be tractable or controllable by water processing to reduce the levels of total exposure.

4. The lack of a recognizable threshold for carcinogens implies that even a low level of exposure may contribute to the total cancer risk. Any reduction in the exposure to a carcinogen may therefore contribute to reducing the cancer risk in the population.

5. The fact that some carcinogens from drinking water may persist in body tissues makes quantification of effects difficult (11).

6. Risks at defined exposure levels calculated for the carcinogens in drinking water emphasize the fact that there are finite risks from contaminants in drinking water.

In the interest of cancer prevention, it seems to be prudent to control and/or reduce the exposures to drinking water carcinogenic contaminants. The proposed regulation to set a maximum contaminant level of 100 parts per billion for total trihalomethanes is a constructive public health measure in that direction. Measures taken to control large classes of contaminants are likely to be useful in reducing levels of material whose carcinogenic or mutagenic potential is still unknown.

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Appendix

Carcinogens and suspect carcinogens in drinking water (USA)

1. Benzo(a)pyrene
2. Carbon tetrachloride
3. Chloroform
4. Vinyl chloride
5. 1,4-Dioxane
6. Methyl iodide
7. DDE
8. DDT
9. Chlordane
10. Lindane
11. Dieldrin
12. Benzene
13. Vinylidene chloride
14. Heptachlor
15. 1, 1, 2-Trichloroethane
16. 1,1,2-Trichloroethylene
17. Bis(2-chloroethyl)ether
18. Simazine
19. Tetracholoroethylene
20. Heptachlor epoxide
21. Acrylonitrile
22. Aldrin
23. Butyl bromide.

Mutagens and suspect mutagens in drinking water (USA)

1. 1,1,1-Trichloroethane
2. Bromomethane (methyl bromide)
3. Methyl chloride
4. Bromochloromethane
5. Methylene chloride
6. Bromoform
7. Bromodichloromethane
8. 2-Chloropropane
9. 1,2-Dichloropropane
10. 1-Chloropropene
11. 1,2-Dichloroethane
12. Bis(2-chloroisopropyl)ether
13. Chlorodibromomethane
14. 1,3-Dichloropropene
15. 2,6-Dinitrotoluene
16. Dichloroacetonitrile
17. Methylene bromide
18. Chlordane
19. Vinylidene chloride
20. n-Butylbromide
21. Bis(2-chloroethyl)ether
22. Acrylonitrile
23. Benzo(a)pyrene
24. Methyl iodide
25. Vinyl chloride
26. 1,3-Butadiene
27. 1,2-Bis(chloroethoxy)ethane
28. Pyrene

29. 1,1,2-trichloroethylene
30. Tetrachloroethylene (Perchloroethylene)

LIST OF PROMOTERS IN DRINKING WATER (USA)

1. Ortho-Cresol
2. 2,4-Dimethylphenol
3. Phenol
4. n-Dodecane
5. Eicosane
6. 2,4-Dichlorophenol
7. n-Decane
8. Limonene
9. Octadecane
10. n-Tetradecane
11. n-Undecane

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES,
RESEARCH TRIANGLE PARK, N.C.,
May 31, 1978.

Hon. DOUGLAS M. COSTLE,
Administrator,
Environmental Protection Agency,
Washington, D.C. 20460

DEAR MR. COSTLE: I cannot present formal comments on EPA's proposed regulation to limit organic contaminants in drinking water during the final public hearing July 11 and 12, 1978, because of prior commitments but I want to especially put in writing the basis for risk extrapolations contained in the NAS report: "Drinking Water and Health (1977)".

While I cannot discuss the practicality of specific actions to reduce these contaminants, I do wish to discuss the question of whether these contaminants pose a risk to public health.

The NAS Committee in its report summarized a considerable amount of evidence which indicated there were 22 suspected carcinogens among a long list of synthetic organics, which have been found in some drinking water supplies. Trihalomethanes, specifically chloroform, are on the list of potential carcinogens and are found in virtually every drinking water supplies that uses chlorine.

The NAS Committee also reviewed the relevant literature on problems of the meaningfulness of laboratory animal toxicity data and extrapolation. We stated four basic principles, as follows:

1. Effects in animals apply to man;
2. It is not possible to establish a threshold;
3. Exposure to animals at high doses is a valid method of discovering possible carcinogenic hazards in man; and
4. Data provides information about human risk—there is no "safe" Dose.

Concerning chloroform, the report stated "it is suggested that strict criteria be applied when limits for chloroform in drinking water are established." (p. 717).

The combined scientific evidence (both toxicological and epidemiological) supports the assumption underlying the proposed regulation that the presence of trihalomethanes and other potential carcinogens in drinking water pose an increased risk to public health and reasonable measures should be taken to reduce these contaminants in drinking water. The desire to limit public exposure to carcinogens to the degree feasible has been the basis for Federal regulatory actions for the last decade and constitutes a desirable preventive public health measure.

Sincerely yours,

DAVID P. RALL, M.D., Ph. D.,
Assistant Surgeon General, PHS,
Director, NIEHS.

APPENDIX B

PARTIAL LIST OF EUROPEAN WATER TREATMENT PLANTS USING GRANULAR ACTIVATED CARBON

A. *Germany*
1. Wiesbaden
2. Mainz
3. Koblinz
4. Cologne—2 plants
5. Leuerkusen
6. Wuppertal
7. Dusseldorf—4 plants
8. Duisburg
9. Hamburg
10. Mulheim—3 plants
11. Langenau
12. Schwabish
13. Duren

B. *Switzerland*
1. Zurich
2. St. Gallen

C. *Netherlands*
1. Amsterdam
2. Rotterdam
3. Hague

D. *England*
1. Foxcote

PARTIAL LIST OF WATER TREATMENT PLANTS IN UNITED STATES USING GRANULAR ACTIVATED CARBON FOR TASTE AND ODOR CONTROL

Utility	Capacity (MGD)
1. Naval Air Station, Lemoore, Calif	2.6
2. Southern California Water Co., Los Angeles, Calif	1.7
3. St. Augustine, Fla	2.6
4. American Water Works Service, Co., Inc., Belleville, Ill	
5. East St. Louis & Interurban Water Co., Granite, Ill	8.5
6. Peoria Water Co., Peoria, Ill	10.0
7. Kokomo Water Works Co., Kokomo, Ind	11.5
8. Richmond Water Works Corp., Richmond, Ind	2.5
9. Muncie Water Works Co., Muncie, Ind	
10. Terre Haute Water Works Corp., Terre Haute, Ind	
11. Davenport Water Co., Davenport, Iowa	16.0
12. The University of Iowa, Iowa City, Iowa	2.5
13. Kentucky-American Water Co., Lexington, Ky	16.0
14. Paris, Ky	3.0
15. Terre Bonne Parish, Waterworks District No. 1, Montegut, La	2.0
16. Scituate Water Division, D.P.W., Greenbush, Maine	
17. Amesbury, Mass	1.3
18. Salem and Beverly Water Supply Board, Beverly, Mass	
19. Burlington, Mass	3.0
20. Cohasset Water Department, Cohasset, Mass	0.5
21. Danvers, Mass	5.0
22. Fall River Water Department, Fall River, Mass	16.0
23. Lawrence, Mass	12.0
24. Newburyport, Mass	
25. Somerset, Mass	1.4
26. Mt. Clemens, Mich	4.7
27. Sanford, N.C	2.5
28. Laconia Water Works, Lakeport, N.H.	0.3
29. Manchester Water Works, Manchester, N.H	14.0
30. Passine Valley Water Commission, Clifton, N.J	
31. Niagara Falls, N.Y	2.0
32. Queensbury, N.Y	3.3
33. Ashtabula, Ohio	
34. Cincinnati Water Works, Cincinnati, Ohio	
35. Lorain Water Co., Lorain, Ohio	15.0
36. Piqua, Ohio	15.0
37. Bartleville, Okla	4.8
38. Del City, Okla	6.0
39. Western Penn Water Co.,[1] Pittsburgh, Pa	33.5
Do	30.0
40. Pawtucket, R.I	16.0
41. Watertown, S. Dak	1.5
42. Virginia American Water Co., Hopewell, Va	3.0
43. Huntington Water Corp., Huntington, W. Va	16.5
44. Marinette Water Utility, Marinette, Wis	

[1] Two plants.

Average flow—7.7 MGD
Range—0.28 to 33.5 MGD
Average depth—28 inches
Average loading—2 GPM/ft^2
Average EBCT—9 minutes

[FR Doc. 78-18469 Filed 7-5-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3600]

DISPOSAL OF MINERAL MATERIALS FROM UNPATENTED LODE MINING CLAIMS

Proposed Changes in Limitation

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking changes the present limitation on disposal of mineral materials to allow the disposal of mineral materials from unpatented lode mining claims. This change is consistent with the authority granted the Secretary of the Interior by the act of July 23, 1955.

DATES: Comments are invited through August 7, 1978.

ADDRESS: Send comments to: Director 210, Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

Comments will be available for public review in room 5555 of the above address on weekdays during regular business hours (7:45 a.m.-4:15 p.m.).

FOR FURTHER INFORMATION CONTACT:

Robert M. Anderson, 202-343-7722 or Robert C. Bruce, 202-343-8735.

SUPPLEMENTARY INFORMATION: This rulemaking will amend Subpart 3601 of Title 43 of the Code of Federal Regulations which relates to limitations on the disposal of mineral materials from unpatented lode mining

claims. Mineral materials include, but are not limited to, common varieties of sand, stone, gravel, pumice, pumicite, cinders, and clay. Existing regulations preclude the disposal of mineral materials from unpatented mining claims. This restriction precludes the Secretary of the Interior from effectively managing the surface resources, especially the mineral materials resources, on public lands. The act of July 23, 1955 (30 U.S.C. 611) authorizes the Secretary of the Interior to manage the surface mineral resources which are not subject to location under the General Mining Law of 1872 (30 U.S.C. 21-54).

Issues which are being reviewed by the Solicitor's Office are: (1) Does the power to manage other surface resources (i.e., mineral) include the power to dispose; (2) does the term "other surface resources" embrace mineral deposits which extend into the subsurface as well (i.e., sand and gravel deposits, etc.) and (3) is the provision allowing a mining claimant access to mineral materials located off his mining claim for the purpose of prosecuting his claim authorized by either the Surface Resources Act of 1955 or Materials Act of 1947, as amended 30 U.S.C. 601. In the event that the answer to either of the first two questions is in the negative, the regulation could not under existing law be promulgated. If the answer to the third question is in the negative, the regulation will have to be redrafted and will be reproposed for public comment.

This proposed rulemaking limits the authority to dispose of mineral materials resources to unpatented lode mining claims and does not apply to unpatented placer claims. It does not apply to placer claims because of the possible conflicts between common varieties of mineral materials and locatable minerals that may be associated with the common varieties of mineral materials, for instance, placer gold intermixed with sand and gravel.

The principal author of this proposed rulemaking is Robert M. Anderson of the Division of Mineral Resources, Bureau of Land Management.

NOTE.—The Department of the Interior has determined that this document does not contain a significant regulatory proposal requiring preparation of a regulatory analysis under Executive Order 12044.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) is required.

Under the authority of the act of July 23, 1955 (30 U.S.C. 611), it is proposed to amend Subpart 3601, Part 3600, Group 3600, Subchapter C, Chapter II, Title 43 of the Federal Regulations as set forth below.

1. Section 3601.1 is amended to read as follows:

§ 3601.1 Disposal may not be made when valid claims exist under public land laws or when unpatented placer mining claims exist.

Mineral material disposals may not be made from public lands on which there are: (a) Valid existing claims to the land by reason of settlement, entry or similar rights obtained under the public lands laws; or (b) unpatented placer mining claims which have not been cancelled by appropriate legal preceedings.

2. Sections 3601.2 and 3601.3 are renumbered as §§ 3601.3 and 3601.4, respectively.

3. A new § 3601.2 is added as follows:

§ 3601.2 Disposal of mineral materials from unpatented lode mining claims.

(a) The authorized officer may allow disposal of mineral materials from an unpatented lode mining claim using the following criteria: (1) Only so such of the surface of the claim may be used as the authorized officer determines to be necessary, and (2) the use of the surface of any such mining claim shall not interfere with prospecting, mining or processing operations or uses incidental thereto.

(b) If, at any time after disposal of mineral materials pursuant to this section, the claimant requires more mineral materials for the conduct of his mining operations than are available to him from his claim, he shall be allowed, free of charge, to extract mineral materials from the nearest source administered by the Bureau of Land Management which is substantially equivalent in kind and quantity to the mineral materials disposed of from the claim: *Provided*, That extraction, removal and transportation of such mineral material can be done in an enviromentally acceptable manner as determined by the authorized officer. Neither the United States nor its permittees shall be liable for the unintentional removal of any valuable mineral subject to location under the General Mining Law of 1872 in connection with an authorized removal of mineral materials from an unpatented lode mining claim pursuant to this section.

§§ 3601.3 and 3601.4 [Renumbered from § 3601.2 and 3601.3]

GARY J. WICKS,
Acting Assistant Secretary of the Interior.

JUNE 29, 1978.

[FR Doc. 89-18520 Filed 7-5-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-101]

MULTIPLE OWNERSHIP OF TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the Commission's rules relating to multiple ownership of television broadcast stations. The additional time is needed so that parties may prepare comments in response to the notice of inquiry an notice of proposed rulemaking.

DATES: Comments must be received on or before August 7, 1978, and reply comments must be received on or before September 5, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 27, 1978.

Released: June 28, 1978.

In the matter of amendment of § 73.636(a) of the Commission's rules relating to multiple ownership of television broadcast stations, BC Docket No. 78-101.

1. On March 16, 1978, the Commission adopted a notice of inquiry and notice of proposed rulemaking, 43 FR 17982, concerning the above-captioned proceeding. The present dates for filing comments and reply comments are July 5, and August 4, 1978, respectively.

2. On June 20, 1978, Pierson, Ball & Dowd; Haley, Bader and Potts; Metromedia, Inc.; and Dow, Lohnes & Albertson ("parties"), jointly filed a request for an extension of time for filing comments and reply comments to and including August 7, and September 5, 1978, respectively. The parties state that the subject matter of this procedding involves one of the basic concepts in the field of diversification of media ownership and requires extensive consultation with clients and much factual and legal research. They argue that the time initially allotted by the Commission does not permit this kind of extensive consultation and research.

3. We are of the view that the public

interest would be served by this extension so that the parties may file any information which may be helpful to the Commission in developing a sound and comprehensive record on which to base a decision in this proceeding.

4. *Accordingly, it is ordered,* That the dates for filing comments and reply comments in BC Docket No. 78-101, are extended to and including August 7, and September 5, 1978, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

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

[FR Doc. 78-18612 Filed 7-5-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-133; RM-2963]

FM Broadcast Stations

Channel Assignments in Iron Mountain, Mich. and Crandon, Wis.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning FM channel assignments in Iron Mountain, Mich., and Crandon, Wis. Petitioner, Iron Mountain-Kingsford Broadcasting Co., states that the additional time is needed to prepare a reply to the counterproposal filed in the proceeding.

DATE: Reply comments must be received on or before July 17, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Iron Mountain, Mich. and Crandon, Wis.) (BC Docket No. 78-133, RM-2963); Order extending time for filing reply comments.

Adopted: June 26, 1978.

Released: June 29, 1978.

By the Chief, Broadcast Bureau:

1. On April 7, 1978, the Commission adopted a notice of proposed rule making, 43 FR 16203, concerning the above-entitled proceeding. The date for filing reply comments is presently June 27, 1978.

2. On June 20, 1978, counsel for Iron Mountain-Kingsford Broadcasting Co., proponent in this proceeding, filed a timely request for an extension of time for filing reply comments to and including June 30, 1978. Counsel states that a counterpropsal was filed by J. Schaefer Enterprises, Inc., requesting the assignment of an FM channel to Crandon, Wis., but that it was not served on petitioner. Thus, because of counsel's late receipt of the counterproposal it has been delayed in researching and preparing a full response.

3. Since public notice of the counterproposal was given on June 26, 1978, no one would have an opportunity to prepare a response unless the reply date was extended. To permit Iron Mountain or anyone else to make such a filing, we are extending the time for filing reply comments to July 17, 1978.

4. Accordingly, *It is ordered,* That the date for filing reply comments in BC Docket No. 78-133 is extended to and including July 17, 1978.

5. This action is taken pursuant to authority found in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's rules.

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

[FR Doc. 78-18682 Filed 7-5-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status and Critical Habitat for the Illinois Mud Turtle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine the Illinois mud turtle (*Kinosternon flavescens spooneri*) to be an endangered species and to identify critical habitat for this species. This action is being taken because the habitat where this species dwells is subject to intense alteration, and collection of individuals is a threat to the continued survival of this turtle. The proposed action, if completed, would protect the populations of this turtle and its habitat. The Illinois mud turtle is know from at least three populations in Illinois and Iowa; historically it is also known from Missouri.

DATES: Comments from the public must be received by September 5, 1978. Comments from the Governors of Illinois, Iowa, and Missouri must be received by October 5, 1978.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 6, 1977, the Fish and Wildlife Service published a notice in the FEDERAL REGISTER (42 FR 28903-28904) to the effect that a review of the status of 12 turtles was being conducted. The Illinois mud turtle was included as part of the review. As a result of the notice of review, responses were received from the Missouri Department of Conservation, the Illinois Department of Conservation, and professional biologists. The comments and supportive documents have been reviewed and a summary is presented below. This information has been considered and is incorporated into the administrative record of this proposal.

Carl R. Noren, Director of the Missouri Department of Conservation, noted that to the best of meager information available on Missouri distribution, the turtle may be endangered. The Illinois mud turtle is listed as rare on the State list.

Vernon M. Kleen, Division of Wildlife Resources of the Illinois Department of Conservation, agreed on behalf of the State that the Illinois mud turtle should be listed as endangered under provisions of the Endangered Species Act of 1973. Mr. Kleen stated that the Department of Conservation was in the process of drafting a proposal to the Interior Department to place this species on the U.S. list when the notice of review appeared in the FEDERAL REGISTER.

The five biologists that commented on the status of this turtle all noted its rarity and apparent decline. Those that recommended a status recommended that it be listed as endangered.

As a result of the notice of review, Dr. Lauren Brown and Dr. Don Moll of Illinois State University submitted an extensive report to the Office of Endangered Species entitled "A Report on the Status of the Nearly Extinct Illinois Mud Turtle (*Kinoster-*

non flavescens spooneri Smith 1951) With Recommendations for its Conservation." This report completely summarizes all presently known information on the status of this turtle, its distribution, and its causes of decline. This report emphasizes the need for Federal protection via endangered status and determination of critical habitat.

Section 4(a) of the Act (16 U.S.C. 1531 et seq.) states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) the present or threatened destruction, modification, or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of section 4(a) of the act. These factors, and their application to the Illinois mud turtle, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*—At one time, the Illinois mud turtle was much more widespread than at present. Of the 13 reported populations, only 5 are now thought to have turtles; of these, 1 population may be introduced and another may not be reproducing itself. The turtle requires a sand substrate, a semipermanent or permanent unpolluted body of water, and freedom from human disturbance. However, industrial, agricultural, and recreational modifications of suitable habitat greatly reduced the known populations of this species in the past and continue to threaten to do so at present as remaining ponds are located in the vicinity of extensive human activity.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.*—The rarity of this turtle and its inoffensive nature make this species desirable among turtle enthusiasts. While no major commercial activity is involved in its exploitation, a number of amateurs made collecting trips to known localities to secure a specimen after a popular article appeared recently. Any removal of turtles not in connection with research or their conservation is detrimental to the continued survival of the species.

3. *Disease or predation.*—Predation by natural or feral animals may be contributing to the decline of the species in certain areas, especially during nesting activity or incubation of the eggs.

4. *The inadequacy of existing regulatory mechanisms.*—Not applicable.

5. *Other natural or manmade factors affecting its continued existence.*—Dumping poisonous chemicals into certain ponds inhabited by the Illinois mud turtle may be proving detrimental to the populations inhabiting them. In addition, fluctuations of the water level in ponds inhabited by this species may also be proving deleterious. Both these activities have been known to occur in the past.

CRITICAL HABITAT

Section 7 of the act, entitled "Interagency Cooperation," states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this act. All other Federal departments and agencies shall, in consultation with an with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

A definition of the term "Criticial Habitat" was published jointly by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of January 4, 1978 (43 FR 870-876), and is reprinted below:

"Critical habitat" means any air, land, or water area (exclusive of those existing manmade structures or settlements which are not necessary to the survival and recovery of a listed species) and constituent elements thereof, the loss of which would appreciably decrease the likelihood of the survival and recovery of a listed species or a distinct segment of its population. The constituent elements of critical habitat include, but are not limited to: Physical structures and topography, biota, climate, human activity, and the quality and chemical content of land, water, and air. Critical habitat may represent any portion of the present habitat of a listed species and may include additional areas for reasonable population expansion.

As specified in the regulations for interagency cooperation as published in the January 4, 1978, FEDERAL REGISTER (43 FR 870), the Director will consider the physiological, behavioral, ecological, and evolutionary requirements for survival and recovery of listed species in determining what areas or parts of habitat are critical. These requirements include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, or rearing of offspring; and generally,

(5) Habitats that are protected from disturbances or are representative of the geographical distribution of listed species.

With respect to the Illinois mud turtle, the areas proposed as critical habitat satisfy all known criteria for the evolutionary, ecological, behavioral, and physiological requirements of the species. Nesting and successful incubation of eggs occurs on sand areas adjacent to the ponds. Shelter and hibernation sites are present both in the ponds and on adjacent lands. Organisms in the ponds provide food for the turtles and aquatic vegetation probably provides sufficient cover from disturbance. The population inhabiting the Iowa locality is self-sufficient and reproducing; sufficient areas for normal growth of both the population and individual turtles are provided within the proposed critical habitat.

Critical habitat of the Illinois nud turtle, exclusive of those existing man-made structures or settlements which are not necessary to the normal needs or survival of the species, is proposed as follows: Illinois, Macon County. A circular area with a 1 mile radius, the center being a point on Sand Ridge Road 1 mile west of its junction with Cactus Drive; Iowa, Muscatine and Louisa Counties. (1) W½ Section 34 T76N R2W, (2) an area including Spring Lake plus 100 meters inland around the shores of Spring Lake in Section 33T76N R2W, (3) W½ Section 3 T75N R2W, (4) E½ Section 4 T75N R2W, (5) NE¼ Section 9 T75N R2W.

The areas proposed do not necessarily include the entire critical habitat of this turtle, and modifications to critical habitat descriptions may be proposed in the future. In accordance with section 7 of the act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or adverse modification of the critical habitat of the Illinois mud turtle.

All Federal departments and agencies shall, in accordance with section 7 of the act, consult with the Secretary of the Interior with respect to any action which is considered likely to affect critical habitat. Consultation pursuant to section 7 should be carried out using the procedures contained in the January 4, 1978, FEDERAL REGISTER (43 FR 870-876).

EFFECT OF THE RULEMAKING

In Addition to the effects discussed above, the effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all endangered species. The regulations referred to above, which pertain to endangered species, are found at § 17.21 of Title 50, and are summarized below.

With respect to the Illinois mud turtle in the United States, all prohibitions of section 9(a)(1) of the act, as implemented by 50 CFR 17.21, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such

wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412), provided for the issuance of permits to carry out otherwise prohibited activities involving endangered or threatened species under certain circumstances. Such permits involving endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to section 4(b) of the act, the Director will notify the Governors of Illinois, Iowa, and Missouri with respect to this proposal and request their comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location or the reasons why any habitat of this species should or should not be determined to be critical habitat as provided for by section 7 of the act;

(3) Additional information concerning the range and distribution of this species.

Final promulgation of the regulations on the Illinois mud turtle will take into consideration the comments and any additional information received by the Director, and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C., and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this proposed rulemaking is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (202-343-7814).

REGULATIONS PROMULGATION

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. Amend § 17.11 by adding, in alphabetical order under "Reptiles" the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

Species		Range					
Common name	Scientific name	Population	Known distribution	Portion endangered	Status	When listed	Special rules
Reptiles:							
Turtle, Illinois mud	*Kinosternon flavescens spooneri*	NA	U.S.A. (Illinois, Iowa, and Missouri).	Entire	E		

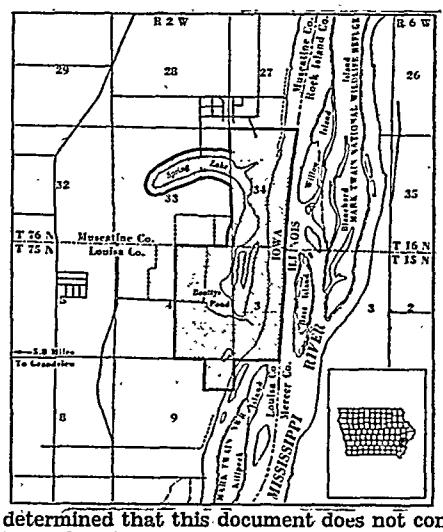
§ 17.95 [Amended]

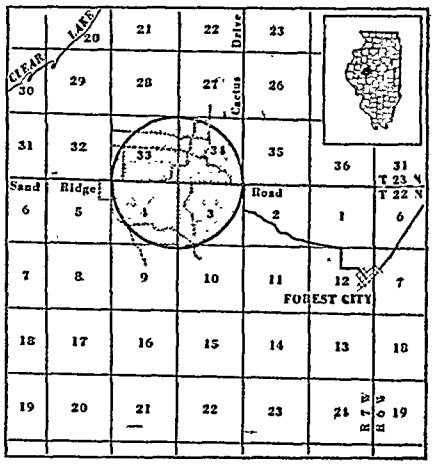
2. Also, the Service Proposes to amend § 17.95(c) by adding Critical Habitat of the Illinois mud turtle after that of the Key mud turtle as follows:

(c) *Reptiles.* * * *

ILLINOIS MUD TURTLE (*Kinosternon flavescens spooneri*)

Illinois Mason County. A circular area with 1 mile radius, the center being a point on Sand Ridge Road 1 mile west of its junction with Cactus Drive; Iowa, Muscantine and Louisa Counties.—(1) W½ Section 34 T76N R2W, (2) an area including Spring Lake plus 100 meters inland around the shorts of Spring Lake in Section 33 T76N R2W, (3) W½ Section 3 T75N R2W, (4) E½ Section 4 T75N R2W. (5) NE ¼ Section 9 T75N R2W.





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

Dated: May 23, 1978.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 78-18569 Filed 7-5-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6820-43]

ADVISORY COMMITTEE ON FEDERAL PAY

MEETING

The Advisory Committee on Federal Pay announces that public discussions of the proposed adjustment in Federal pay for October 1978 have been scheduled for Tuesday, July 25, in Room 2010, New Executive Office Building, 726 Jackson Place. They will start at 9 a.m.

These discussions are intended to give organizations representing Federal employees or any interested government officials an opportunity to express their views regarding the Pay Agent's proposal. Those wishing to discuss the Agent's proposals with the Committee orally or in writing should notify the Committee by July 19. Written comments should reach the Committee by July 25—Suite 205, 1730 K Street NW., Washington, D.C. 20006. Both written submissions and requests for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

The Advisory Committee on Federal Pay established as an independent establishment by section 5306 of Title 5, United States Code (Pub. L. 91-656, the Federal Pay Comparability Act), is charged with assisting the President in carrying out the policies of section 5301 of Title 5, United States Code: The Committee's fundamental obligation is to afford the President an independent judgment respecting Federal pay. Section 5306 of Title 5 requires the Committee to make findings and recommendations to the President with respect to the annual adjustment in Federal pay, after considering the written views of employee organizations, the President's Agent, other officials of the government of the United States, and such experts as the Committee may consult.

JEROME M. ROSOW,
Chairman,
Advisory Committee on Federal Pay.

[FR Doc. 78-18607 Filed 7-5-78; 8:45 am]

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

MOUNT ROGERS NATIONAL RECREATION AREA AND MOUNT ROGERS SCENIC HIGHWAY

Extension of Comment Period

On January 20, 1978, copies of the draft environmental impact statements for the Mount Rogers National Recreation Area (Volume I) and the Mount Rogers Scenic Highway (Volume II), Jefferson National Forest, were delivered to EPA. The notice of availability appeared in the FEDERAL REGISTER on January 27, 1978, and the review period was set from January 27, 1978 to April 3, 1978. Due to numerous requests, the comment period was later extended to July 3.

With this notice, the review period is now extended to August 4, 1978.

Dated: June 30, 1978.

RAYMOND F. PELLETIER,
Environmental Planning Engineer.

[FR Doc. 78-18684 Filed 7-5-78; 8:45 am]

[3410-11]

A PROPOSAL: SNOW MOUNTAIN WILDERNESS

Public Hearing

Notice is hereby given that a public hearing will be held, beginning at 2 p.m. and 7 p.m., August 10, 1978 in the Williams Elementary School Multi-Purpose Room, Williams, Calif., on a proposal for the futural management of the Snow Mountain Wilderness Study Area. The study area is comprised of 50,130 acres within the Mendocino National Forest in the Counties of Glenn, Colusa and Lake in the State of California.

The combined wilderness report and draft environmental statement can be reviewed at numerous libraries, as well as a number of National Forest offices. For information regarding the nearest depository in your area, write or call the Forest Supervisor, Mendocino National Forest, 420 East Laurel Street, Willows, Calif. 95988, phone 916-934-3316.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Forest Supervisor, 420 East Laurel Street, Willows, Calif. 95988. To be included in the official record, written comments must be received by September 11, 1978.

Dated: June 29, 1978.

REXFORD A. RESLER,
Associate Chief.

[FR Doc. 78-18693 Filed 7-5-78; 8:45 am]

[3410-11]

A PROPOSAL: MT. SHASTA WILDERNESS

Public Hearing

Notice is hereby given that a public hearing will be held, beginning at 1 p.m., August 19, 1978, at the Redding Civic Auditorium, on a proposal for the future management of the Mt. Shasta Wilderness Study Area comprised of approximately 39,030 acres within the Shasta-Trinity National Forest in the County of Siskiyou in the State of California.

A Summary and Draft Environmental Statement containing a map and information about the proposal may be obtained from the Forest Supervisor, Shasta-Trinity National Forest, 2400 Washington Avenue, Redding, Calif. 96001, between the hours of 8 a.m. and 5 p.m., Monday through Friday, except for holidays.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Forest Supervisor, 2400 Washington Avenue, Redding, Calif. 96001. To be included in the official record, written comments must be received by September 20, 1978.

Dated: June 29, 1978.

REXFORD A. RESLER,
Associate Chief.

[FR Doc. 78-18694 Filed 7-5-78; 8:45 am]

[3410-21]

Office of the Secretary

ADVISORY COMMITTEE ON EXPORT SALES REPORTING

Intent To Establish

Notice is hereby given that the Secretary of Agriculture proposes to establish an Advisory Committee on Export Sales Reporting. Section 812 of the Agricultural Act of 1970, as amended, establishes mandatory re-

porting requirements for U.S. exporters of designated agricultural commodities. The Committee will provide an impartial review of the present reporting requirements and make recommendations to improve the effectiveness of the system to assure that it is providing all of the export sales information which the public requires without impairing the United States competitive position in world markets.

The Secretary has determined that establishment of the Committee is necessary and in the public interest in connection with the duties imposed on the Department of Agriculture by law.

Comments of interested persons concerning the establishment of this Committee may be submitted to the General Sales Manager, Room 4073, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C. 20250, by July 21, 1978.

All written submissions made pursuant to this notice will be available for public inspection at the above office during regular business hours.

Dated: June 26, 1978.

CHARLES BUCY,
Acting Deputy Assistant Secretary for Administration, Office of the Secretary, U.S. Department of Agriculture.

[FR Doc. 78-18609 Filed 7-5-78; 8:45 am]

[1505-01]

CIVIL AERONAUTICS BOARD

[Docket Nos. 32711, 32282, 32430; Order 78-5-129]

DALLAS/FORT WORTH-NEW ORLEANS-FLORIDA SERVICE INVESTIGATION

Order Instituting Proceeding

Correction

In FR Doc. 78-16588 appearing on page 25847 in the issue of Thursday, June 15, 1978, the order number in the heading in small type should read as it appears above.

[1505-01]

[Order No. 78-6-61; Docket No. 32311]

LAKER AIRWAYS LIMITED

Statement of Tentative Findings and Conclusions and Order To Show Cause

Correction

In FR Doc. 78-16585 appearing on page 25851 in the issue of Thursday, June 15, 1978 in the 3rd column, the 3rd paragraph should read as follows:

"The exercise of the privileges granted by the permit shall be subject to the condition that, except as otherwise may be provided by the Board, the holder shall file monthly statements with the Board's Bureau of Accounts and Statistics, within 30 days after the end of each month, listing by direction of travel, the number of flights operated, the number of seats available for sale, and the number of seats sold (excluding infants).".

[6320-01]

[Order No. 78-6-155; Docket No. 32397]

ALL U.S. AND FOREIGN DIRECT AND INDIRECT AIR CARRIERS AUTHORIZED TO OPERATE PASSENGER CHARTERS

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of June, 1978.

By Order 78-4-122, dated April 19, 1978, the Board granted a 90-day blanket waiver of various provisions of its Economic and Special Regulations to all U.S. and foreign direct and indirect air carriers. Specifically, the waiver authorized: (1) the intermingling of passengers on Advance Booking Charters (ABC's), Inclusive Tour Charters (ITC's) and One-stop-inclusive Tour Charters (OTC's) and the elimination of the minimum group size requirement on such charters subject to a minimum contract of 20 seats; (2) the sale of one-way ABC's, except to or from points in the United Kingdom; (3) the conversion of empty seats on ITC and OTC flights to ABC's without having to refile the charter prospectus; (4) price flexibility on ABC's, ITC's, and OTC's; (5) on split charters, final payment to the direct air carrier 15, rather than 30, days in advance of the flight; (6) at the direct air carrier's option, the operation of less-than-planeload charters; and (7) at the scheduled carrier's option, the transfer of passengers from cancelled charter flights to scheduled flights at as low as the charter rates. The waiver, which is effective from April 19 until July 18, 1978, was intended to provide emergency relief to charter operators who had indicated in various waiver requests and at an oral argument held April 18, 1978, that the current charter rules hindered their ability to compete with recently instituted deep discount scheduled fares.

Since the issuance of Order 78-4-122, various motions and petitions for reconsideration of the blanket waiver have been filed. These are described below.

On May 3, 1978, Capitol International Airways, Inc., Evergreen International Airlines, Inc., Trans International Airlines, Inc. and World Airways, Inc. (hereafter, the "Joint Carriers") filed a motion for stay of the provision of the blanket waiver which allows charter operators who cancel charter flights to transfer the affected passengers to scheduled service at charter rates.[1] In asking the Board to consider more fully the ramifications of such transfer authority, the Joint Carriers stated that this provision is tantamount to the part charter concept which the Board, in the past, has declined to authorize. Comments opposing the motion for stay were filed by Brendan Tours, Inc., Duncan Tours, Inc., Charter Travel Corp. Inc., and Sytour, S.C. (hereafter, Brendan, et al.); Pan American World Airways; and Unitravel Corp., Elkin Tours, Inc., and Breakaway Travel.

After considering the matter, the Board granted the requested stay by Order 78-5-85 dated May 15, 1978,[2] observing that it had not focused on the possible reverberations of granting the transfer provision and that public comment possibly could illuminate pertinent issues. The Board extended the period for comments on the Joint Carriers' petition for reconsideration of the transfer authority provision for ten days, until May 25, 1978.

Several parties filed comments supporting the Joint Carriers' petition for reconsideration. Delta Airlines, Inc.; and Philippine Airlines, Inc. and Swissair, Ltd., support the stay. They argue that the transfer provision is tantamount to part charter authority and is, therefore, contrary to previous Board orders and recent Board international policy. Further, they argue that the potential for abuse outweighs the possible benefits of the transfer provision. International Weekends, Inc., supports the petition, asserting that the transfer authority is detrimental to the supplemental carriers and consequently will ultimately diminish competition within the industry. The petition is also supported by "Certain Trunkline Carriers,"[3] who note that they have petitioned for reconsideration of the entire waiver.

Several parties filed comments which oppose the Joint Carriers' petition. Arthur Frommer Charters, Inc., Char-Tours, Inc., Brendan et al.,[4] and American Airlines, Inc. oppose the stay. They cite the Joint Carriers' failure to substantiate their claims that the transfer authority is being

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[1] At the same time, the Joint Carriers filed a petition for reconsideration of this provision.

[2] On May 19, the Board issued a clarification of the order to stay (78-5-108) which stated that any transfer arrangements made between April 19 and May 15, 1978, for operations to be conducted during the 90-day period of the blanket waiver may be operated as planned.

[3] The Certain Trunkline Carriers are Eastern Air Lines, Inc., Northwest, Airlines, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

[4] Nationwide Leisure Corp. joined Brendan et al. in this and all subsequent referenced comments.

abused,[5] and the need to accommodate passengers of canceled charter flights. Frommer also recommends guidelines for the transfer authority which could possibly prevent abuse, including limitation of the waiver to charter programs filed before April 19, 1978, and to charters on which less than 60 percent of the seats are sold. Pan Am asked that the Joint Carriers' petition for reconsideration be denied, arguing that the transfer provision benefits the public by preventing disruption of travel plans and benefits charter operators by enabling them to satisfy their customers. Unitravel Corp. and Elkin Tours take exception to the Joint Carriers' contention that the Board granted types of authority which were not among the proposals specifically cited in the order (78-4-49) scheduling oral argument on the blanket waiver. Observing that the order stated the Board was "soliciting empirical evidence which supports grant or abandon of the blanket waiver or modification of any or all of its provisions," they contend that the Board provided adequate notice.

On May 17, Brendan et al. filed a motion to vacate the stay of the transfer provision granted by the Board (Order 78-5-85) on May 15. The motion was supported by Elkin Tours and Breakaway Tours. Brendan et al. contend that the transfer authority is the only provision of value in the blanket waiver and that it is markedly different from part charter authority because it is not a planned course of action but rather an emergency solution to insufficient charter bookings. They further state that the Joint Carriers did not prove irreparable harm would result from the continuance of this provision, and that chaos would result from its discontinuance. The Joint Carriers oppose the motion.

On May 16, several "Trunkline Carriers" [6] petitioned the Board for reconsideration of the entire blanket waiver. They state that by granting the blanket waiver on April 19 the Board violated the Administrative Procedure Act by not following the due process procedures for a rulemaking, and violated the Federal Aviation Act by eliminating the differentiation between scheduled and charter operations. They also assert that the Board failed to prove that an emergency situation existed warranting grant of the blanket waiver.

The Joint Carriers, the Air Charter Tour Operators of America (ACTOA), and Brendan et al. filed comments opposing the Trunkline Carriers' petition.[7] The Joint Carriers argue that several significant distinctions between scheduled and charter service remain, including the prohibition of direct sale (by air carriers) of charters to the public, the risk to the charter operator and the public of charter cancellation, cancellation penalties, and the prohibition of the sale of open-end round-trip charters. ACTOA maintains that the Trunkline Carriers were able to comment on the proposed blanket waiver provisions in the oral argument held April 18, and that the Board's perception of an emergency justifies the action it took to deal with the situation. Brendan et al. argue that all interested parties now have had the opportunity for prepared and informed participation in the tour operator emergency proceeding.

After careful consideration of all of the pleadings, we are not persuaded that our action in Order 78-4-122, as modified by Order 78-5-85, was in error or that the commenting parties have presented any significant information not previously considered to warrant reversal of these orders. Therefore, we have decided to grant the petition for reconsideration filed by the Joint Carriers, to deny the petition for reconsideration filed by the Trunkline Carriers, and to deny the motion to vacate the stay filed by Brendan et al.

We adopted the temporary blanket waiver on the basis of what we perceived and continue to perceive to be a bona fide emergency, as discussed in Order 78-4-122. We later rescinded the transfer authority provision on our assessment that the possible reverberations of this authority, which we had not fully contemplated in granting the blanket authority, might be detrimental to the air transportation industry and, ultimately, to the public.

The Trunkline Carriers allege that the Board's action in granting the blanket waiver constitutes a rule change and thus requires us to follow a formal rulemaking proceeding. We disagree. Each of our Economic and Special Regulations contemplates the need to waive its provisions in special and unusual circumstances, when such waiver is in the public interest. Each regulation contains a provision empowering us to grant waivers in emergency situations. In Order 78-4-122, we granted an emergency waiver for a limited time period to deal with a specific problem. Thus, the procedures specified for a rulemaking were not warranted in this case. The Trunklines further allege that the blanket waiver eliminates the distinction between schedule and charter services. Again, we disagree. It is our responsibility under the Federal Aviation Act to determine what factors are necessary to maintain this distinction, and we believe that, in granting the blanket waiver, we have retained sufficient charter characteristics to fulfill this responsibility.

The joint petitioners have likewise made no showing which would warrant grant of a stay pending judicial review. See *Washington Metropolitan Area Transit Commission* v. *Holiday Tours*, 559 F.2d 841 (C.A.D.C. 1977). There is no likelihood that the Joint Trunklines will prevail on the merits. While they claim that they would be irreparably injured by the diversionary impact of competitive charter services, it is well accepted that the impact of competition creates no legally recognized injury. See *Alabama Power Co.* v. *Ickes*, 302 U.S. 464 (1938). The limited waiver, moreover, is necessary to preserve the Tour Operator industry during a temporary period of regulatory change, to maintain competitive opportunities for charter service, and to insure that there will be sufficient charter capacity available to meet the huge demand for low-fare service during the present peak season. Any stay or rescission of that waiver would obviously be contrary to the public interest.

Brendan et al. alleges that the transfer provision of the blanket waiver is distinguishable from part charter authority in that it is not a planned course of action. While valid in principle, the distinction could probably not be maintained in practice under the blanket waiver—in contrast with the emergency waivers that we will continue to consider on an ad hoc basis; and in any event, the transfer authority so closely approaches the controversial part charter concept that, upon further reflection, we cannot justify granting this type of authority, even temporarily, pending completion of the investigation of its merits (in Docket 27918-1).

For these reasons, we have decided to deny the petition for reconsideration filed by the Trunkline Carriers and to deny the motion to vacate the stay filed by Brendan et al.

For the same reasons, we have decided to grant the petition for reconsideration filed by the Joint Carriers, thus affirming our action in Order 78-5-85.

Accordingly, it is ordered that:

1. The petition of American Airlines, Inc., Eastern Air LIne, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc. for reconsideration or stay of Order 78-4-122 is denied;

2. The petition of Capitol International Airways, Inc., Evergreen International Airlines, Inc., Trans International Airlines, Inc. and World Airways, Inc. for reconsideration of the charter/scheduled service transfer provision of Order 78-4-122 is granted;

[5] On May 26, the Joint Carriers submitted a supplement to their petition for reconsideration in which they offer alleged substantiations.

[6] The Trunkline Carriers are American Airlines, Inc., Eastern, Northwest, TWA, and Western.

[7] ACTOA also filed a motion for leave to file an otherwise unauthorized document which we have decided to grant.

3. The motion filed by Brendan Tours, Inc., Duncan Tours, Inc., Charter Travel Corp., Nationwide Leisure Corp., and Sytour, S.C. to vacate the stay granted in Order 78-5-85 is denied;

4. The motion for leave to file an otherwise unauthorized document filed by the Air Charter Tour Operators of America is granted; and

5. This order may be amended or revoked by the Board at any time without hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[6]
Secretary.

[FR Doc. 78-18652 Filed 7-5-78; 8:45 am]

[6320-01]

[Order No. 78-6-201; Docket No. 32165]

JUGOSLOVENSKI AEROTRANSPORT

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of June 1978.

Jugoslovenski Aerotransport (JAT) holds a foreign air carrier permit authorizing it to engage in scheduled foreign air transportation of persons, property, and mail between the coterminal points Belgrade and Zagreb, Yogoslavia, and the terminal point New York, N.Y., subject to conditions. JAT also holds a foreign air carrier permit authorizing it to engage in charter foreign air transportation.[1]

An air transport agreement between the Government of the United States and the Government of the Socialist Federal Republic of Yugoslavia was signed December 16, 1977. The agreement, which provides for formal commercial air links between the two countries, supersedes the provisional arrangements for scheduled service entered into on May 14, 1976.

The new agreement provides for expended routes and air services between the two countries. Yugoslav airlines may serve New York via Frankfurt, Amsterdam, and Montreal. United States airlines may serve the Yugoslav cities of Belgrade and Zagreb (after April 1, 1979) via intermediate points in Europe and beyond.

Both sides have also agreed to expand low-cost travel opportunities for the public by accepting country-of-origin charter rules, allowing increased nonscheduled (charter) operations and extending the nonscheduled air services agreement of 1973.

By application filed February 3, 1978, JAT asks for renewal and amendment of its two foreign air carrier permits to include the expanded authority granted under the new air transport agreement. In support of its request, JAT states that it is a corporation duly organized under the laws of Yogoslavia; that it is owned and managed by citizens of Yugoslavia; that it is subject to the regulatory jurisdiction of the Yugoslav Directorate of Civil Aviation; that it has been designated by the Yugoslav authorities to exercise the rights conferred under the bilateral agreement; and that it continues to be fit, willing, and able to perform the foreign air transportation which it is authorized to operate. Finally, JAT argues that its proposed renewal and amendments would bring its scheduled and charter authority into conformity with the provisions of the new air transport agreement.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes that:

(a) Jugoslovenski Aerotransport is substantially owned and effectively controlled by the citizens of Yugoslavia;

(b) It is in the public interest to amend the foreign air carrier permits issued to Jugoslovenski Aerotransport;

(c) The public interest requires that the exercise of the privileges granted by the amended permits shall be subject to the terms, conditions, and limitations contained in the specimen permits attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

(d) Jugoslovenski Aerotransport is fit, willing, and able properly to perform the transportation described in the speciman permits, and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder;

(e) The public interest does not require an oral hearing on the application;

(f) The renewal and amendment of Jugoslovenski Aerotransport's foreign air carrier permits would not constitute "a major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975 (EPACA), as defined in section 313.4(a)(1) of the Board's regulations;[2] and

(g) Except to the extent granted, the application of Jugoslovenski Aerotransport in this proceeding should be denied.

Accordingly, *It is ordered,* That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions, and why the foreign air carrier permits issued to Jugoslovenski Aerotransport should not, subject to the approval of the President under section 801 of the act, be renewed and amended for a period terminating on March 31, 1981, subject to conditions;

2. Any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and renewing and amending the foreign air carrier permits shall within 21 days after the service of this order file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data, and such evidence expected to be relied upon in support of the statement of objections. If an oral evidentiary hearing is requested, the objector should state in detail why such oral hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be given to the matters and issues raised by the objections before further action is taken by the Board; *Provided,* That the Board may proceed to enter an order in accordance with its findings and conclusions set forth in this order if it is determined that there are no factual issued present that warrant the holding of an oral evidentiary hearing;[3]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Secretary shall enter an order which: (1) Shall make final the Board's tentative findings and conclusions set forth in this order, and (2) subject to the approval of the President, shall issue renewed and amended foreign air carrier permits to Jugoslovenski Aerotransport in the specimen forms attached; and

[6] All members concurred except member O'Melia who did not vote.

[1] The scheduled permit was issued by order 76-6-165, effective June 21, 1976; renewed by order 77-5-51, effective May 11, 1977. The charter permit was issued by order 70-6-118, effective June 19, 1970; renewed and amended by order 74-9-23, effective September 5, 1974; renewed by order 77-12-55, effective December 8, 1977. Although these permits expired March 31, 1978, JAT has continuing authority to operate under the automatic extension provisions of 5 U.S.C. 558(c).

[2] Our tentative findings are based upon the fact that amendment of JAT's permits will not result in: (1) A significant increase in civil aviation operations at U.S. points, and (2) an annual change in aircraft fuel consumption of 10 million gallons.

[3] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

5. This order shall be served upon Jugoslovenski Aerotransport, the Ambassador of the Socialist Federal Republic of Yugoslavia in Washington, D.C., and the Departments of State and Transportation.

This order will be published in the FEDERAL REGISTER and transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

Specimen Permit

UNITED STATED OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Jugoslovenski Aerotransport is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958, as amended, and the orders, rules, and regulations issued under it, to engage in foreign air transportation (except charter air transportation) with respect to persons, property, and mail, as follows: Between a point or points in Yugoslavia; the intermediate points Frankfurt, Germany, Amsterdam, the Netherlands, and Montreal, Canada; and the terminal point New York, N.Y.

The holder may at its option omit any or all intermediate points on any or all flights.

This permit shall be subject to the following terms, conditions, and limitations:

(1) Except as the Board may otherwise provide, with or without hearing, by prior authorization, the holder shall not operate in scheduled service over the described route more than the following number of narrow-bodied aircraft roundtrip frequencies, including extra sections, during the following time periods:

Time Period and Number of Narrow-bodied Frequencies

April 1 through October 31, 1978, 135
November 1, 1978, through March 31, 1979, 99
April 1 through October 31, 1979, 180
November 1, 1979 through March 31, 1980, 132
April 1, 1980 through October 31, 1980, 180
November 1, 1980 through March 31, 1981, 132

The above notwithstanding, the holder may at its discretion operate wide-bodied aircraft over the described route. Where wide-bodied aircraft are operated, the number of narrow-bodied frequency equivalents for purposes of this condition shall be computed as follows: (a) Each roundtrip using a wide-bodied aircraft having 201–300 seats shall be deemed to equal 1.5 narrow-bodied roundtrips, and (b) each roundtrip using a wide-bodied aircraft having 301 or more seats shall be deemed to equal 2 narrow-bodied roundtrips. Requests by the holder for approval of additional frequencies shall be made by filing the proposed schedule through diplomatic channels at least 120 days but no more than 180 days before its proposed effective date and requests for extra sections shall be made by filing through diplomatic channels at least 15 days before the proposed date of operation.

The initial tariff filed by the holder shall not set forth rates, fares and charges lower than those that may be in effect for any U.S. air carrier in the same foreign air transportation; however, this limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Socialist Federal Republic of Yugoslavia for international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Socialist Federal Republic in Yugoslavia shall be parties.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder shall keep on deposit with the Board a signed counterpart of CAB agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder: (1) Shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the docket section of the Board a statement showing the name and address of the insurance carrier and the amounts of liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB agreement 18900, and unless there is on file with the docket section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of any insurance syndicate in lieu of the names and addresses of the member insurers.

The exercise of these privileges shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on _____ 1978. Unless otherwise terminated at an earlier date under the terms of any applicable treaty, convention, or agreement, this permit shall terminate on March 31, 1981: *Provided, however,* That prior to March 31, 1981, this permit shall terminate: (1) Upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the scheduled foreign air transportation here authorized from the transportation which may be operated by carriers designated by the Government of Yugoslavia (or in the event of the elimination of part of the authority, the authority here shall terminate to that extent), (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Yugoslavia in lieu of the holder, or (3) upon the termination or expiration of the Air Transportation Agreement between the United States and Yugoslavia, effective December 16, 1977: *Provided, further,* That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation here authorized becomes the subject of any treaty, convention, or agreement to which the United States and Yugoslavia are or shall become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on _____.

_____,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on _____ in _____.

Specimen Charter Permit

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Jugoslovenski Aerotransport is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958, as amended, and the orders rules, and regulations issued under it, to engage in charter foreign air transportation as follows:

1. Charter flights carrying persons and their accompanied baggage between any point or points in Yugoslavia and any point or points in the United States.[1]

2. Charter flights carrying persons and their accompanied baggage which originate at a point or points in any country other than the United States, or Yugoslovia, and serve a point or points in the United States, provided that such flights include a stopover or stopovers in Yugoslavia.[1]

3. Planeload charter flights carrying property between any point or points in Yugoslavia and any point or points in the United States, limited to 10 one-way flights within any calendar year.

4. Charter flights (including inclusive tour charters) carrying persons and their accompanied baggage between any point or points in Austria, Belgium, Cyprus, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Portugal, Spain, Sweden, and Switzerland, and any point or points in the United States, limited to charter flights which originate in a named European country.

5. Circle tour charter flights (including inclusive tour charters) carrying persons and their accompanied baggage which originate and terminate at the same point in Austria,

[4]All Members concurred.

[1]The holder shall be authorized to perform those types of charters as are now, or may be prescribed in annex B of the nonscheduled air service agreement between the Government of the United States of America and the Government of the Socialist Federal Republic of Yugoslavia. Annex B currently authorizes all passenger charters in conformity with the charterworthiness rules and regulations of the country in which the charter flight originates.

Belgium, Cyprus, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Portugal, Spain, Sweden, or Switzerland, and serve a point or points in the United States and also provide a stopover or stopovers en route at a point or points in any country other than a named European country, the United States, or Yugoslavia.

The holder may, with respect to Yugoslavia-originating charter flights authorized in paragraph 1, and flights authorized in paragraphs 2 and 5, above, grant stopover privileges en route in any country other than the United States or Yugoslavia: *Provided*, That "stopover" shall mean a lapse of at least 36 hours between any deboarding and the next reboarding by the holder of the same passengers and their accompanied baggage, whether the reboarding shall be pursuant to the same or separate group contracts.

This permit shall be subject to the following terms, conditions, limitations:

(1) For passengers and property charter flights between the United States and Yugoslavia, authorized in paragraphs 1 and 3, above, the holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Yugoslavia (authorized passenger stopovers excepted), or transport any person whose journey is under contract for a group movement by the holder to or from a point not in the United States or Yugoslavia: *Provided*, That this condition shall not prevent the holder under the authorization contained in paragraph 1 above, from separately contracting from movement of United States-originating inclusive tour charter, travel group charter, or study group charter traffic as a group or as groups on its scheduled air services between a point or points in Yugoslavia and a point or points beyond Yugoslavia, provided that at least 96 hours in total are spent by the group or groups in Yugoslavia before, or after, or before and after, such movements to and/or from the point or points beyond Yugoslavia.

(2) The holder shall not perform United States-originating passenger charter flights which at the end of any calendar quarter would result in the number of United States-originating passenger charter flights performed in the preceding 12 months exceeding by more than one-third (but in no event by more than 15) the number of passenger charter flights originating outside the United States performed in the 12-month period: *Provided*, that:

(a) A charter shall be considered to originate in the United States (or Yugoslavia, or elsewhere) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle-tour, or open-jaw, even if a separate contract is entered into for a return portion of the charter trip from Yugoslavia (or the United States, or elsewhere);

(b) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor;

(c) United States-originating charter groups on flights authorized in paragraph 1 may not be commingled on the same aircraft at the same time with groups originating outside the United States authorized in paragraphs 1, 2, 4, and 5, above;

(d) Any inadvertent excess in U.S.-originating flights operated pursuant to the authorization contained in paragraph 1 above which might occur shall be corrected by contracting for sufficient flights originating outside the United States pursuant to the authorizations contained in paragraphs 1, 2, 4, and 5 above, and/or reducing contracting for U.S.-originating flights pursuant to the authorization contained in paragraph 1 above, in the first or first and second quarter years immediately following the period of excess so as to achieve conformity in the expanded five or six quarter year period;

(e) Condition (2) shall not apply to flights which originate exclusively at Detroit or Los Angeles, or both;

(3) The exercise of the privileges granted by this permit with respect to passenger charters originating in the United States shall be subject to the provisions of parts 214 and 378 of the Board's regulations, and all amendments and revisions thereof as the Board may adopt. Charters originating in Yugoslavia may be operated pursuant to the terms, conditions, and limitations contained in licenses issued by the Yugoslav Directorate of Civil Aviation in accordance with Yugoslavian charter regulations, in which event compliance with parts 214 and 378 shall not be required. Charters originating in third countries may be operated pursuant to the terms, conditions and limitations contained in licenses issued by the competent air authority of the country of origination in accordance with its charter regulations, in which event compliance with parts 214 and 378 shall not be required.

(4) The holder shall operated no more than 130 revenue charter aircraft movements to or from the United States during 1978, 150 during 1979, and 170 during 1980, unless prior approval to operate a specific higher number of revenue charter aircraft movements is obtained from the Board.

(5) The Board, by order or regulation and without hearing may require advance approval of any individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required.

(6) The holder shall keep on deposit with the Board a signed counterpart of agreement CAB 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(7) The holder: (1) Shall not provide foreign air transportations under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the docket section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation of persons unless there is in effect liability insurance sufficient to cover the obligations assumed in agreement CAB 18900, and unless there is on file with the docket section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(8) By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

(9) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Socialist Federal Republic in Yugoslavia shall be parties.

(10) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the Socialist Federal Republic of Yugoslavia for Yugoslav international air service.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on ————, 1978. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate on March 31, 1981: *Provided, however*, That prior to March 31, 1981, this permit shall terminate: (1) Upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation here authorized from the transportation which may be operated by carriers designated by the Government of Yugoslavia (or in the event of the elimination of part of the authority, the authority granted here shall terminate to that extent), (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Yugoslavia in lieu of the holder, or (3) upon the termination or expiration of the non-scheduled air service agreement between the United States and Yugoslavia, effective September 27, 1973, as amended: *Provided further*, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation here authorized becomes the subject of any treaty, convention, or agreement to which the United States and Yugoslavia are or shall become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permnit and affixed its seal on ————.

————,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on ————.

[FR Doc. 78-18653 Filed 7-5-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

PORT OF CAMAS-WASHOUGAL

Intent To Prepare Environmental Impact Statement

Notice is hereby given that, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Economic Development Administration (EDA) of the U.S. Department of Commerce will prepare an environmental impact statement on two related applications submitted by the Port of Camas-Washougal to expand the port which is located on the Columbia River in Washougal, Wash.

The proposals involve the provision of site grading, access roads, railroad spur construction, water, storm and sanitary sewer, and drainage facilities. The port has also applied to the U.S. Army Corps of Engineers for a permit to construct a barge facility.

Comments and questions regarding the preparation of the environmental impact statement should be addressed to Mr. John Hansel, Special Assistant for the Environment, Room 7217, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230, telephone 202-377-4208.

Dated: June 28, 1978.

ROBERT HALL,
Assistant Secretary for Economic Development.

[FR Doc. 78-18574 Filed 7-5-78; 8:45 am]

[3510-24]

SIMON'S OUTERWEAR, INC., EASTERN LAMINATING CORP., AND IMPALA TEXTILES, INC.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing from three firms: (1) Simon's Outerwear, Inc., 32-03 39th Avenue, Long Island City, N.Y. 11101, a producer of dresses, pants, suits, and other apparel for women (accepted June 23, 1978); (2) Eastern Laminating Corp., 75 Main Avenue, Elmwood Park, N.J. 07407, a producer of laminated fabrics (accepted June 23, 1978); and (3) Impala Textiles, Inc., 215 West 40th Street, New York, N.Y. 10018, a producer of fabrics (accepted June 28, 1978). The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the adjustment assistance regulations for firms and communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the 10th calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-18573 Filed 7-5-78; 8:45 am]

[3510-25]

Industry and Trade Administration

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. app. (1976), notice is hereby given that a meeting of Telecommunications Equipment Technical Advisory Committee will be held on Thursday, July 27, 1978, at 10 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, and March 16, 1977, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to telecommunications equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Nomination and election of a new Chairman.

EXECUTIVE SESSION

4. Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 33, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the executive session of the meeting have been properly classified under the executive order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone; 202-377-4196.

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on May 25, 1977 (42 FR 26682).

Dated: June 30, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-18656 Filed 7-5-78; 8:45 am]

[3510-60]

National Telecommunications and Information Administration

U.S. INMARSAT PREPARATORY COMMITTEE WORKING GROUP

Meetings

Notice is hereby given that the U.S. INMARSAT Preparatory Committee Working Group will meet at 9:30 a.m., in Room 712A, National Telecommunications and Information Administration, 1800 G Street NW., Washington, D.C. on August 1 and September 12, 1978.

The principal agenda items will be development of national positions relating to the technical, economic and organizational aspects of the INMARSAT system which will be addressed in meetings of the INMARSAT Preparatory Committee in November 1978.

The meetings will be open to the public; any member of the public will be permitted to file a written statement with the Working Group before or after the meetings.

The names of the members of the Working Group, copies of the agendas, summaries of the meetings and other information pertaining to these matters may be obtained from Wladimir Naleszkiewicz, National Telecommunications and Information Administration, Washington, D.C. 20504, 202-395-3782.

SCOTT M. MASON,
Acting Director,
Office of Administration.

[FR Doc. 78-18620 Filed 7-5-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL, AND MAN-MADE FIBER TEXTILE PRODUCTS FROM MEXICO

Termination of Export Visa and Exempt Certification Requirements

JUNE 30, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Terminating the export visa and exempt certification requirements for cotton, wool, and man-made fiber textile products subject to the terms of the expired bilateral agreement between the Governments of the United States and Mexico.

SUMMARY: On November 19, 1975, letters dated November 14, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs were published in the FEDERAL REGISTER (40 FR 53619 and 53623), which established an export visa requirement for cotton, wool, and man-made fiber textile products subject to the terms of the bilateral textile agreement of May 12, 1975, between the Governments of the United States and Mexico, and a certification mechanism to exempt certain textile products from the agreement. The purpose of this notice is to advise that, inasmuch as the bilateral agreement has expired, both of these requirements are being cancelled. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the visa and exempt certification requirements be cancelled.

EFFECTIVE DATE: July 1, 1978, for goods exported after April 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

U.S. DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR INDUSTRY AND TRADE,
Washington, D.C., June 30, 1978.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive cancels and supersedes, effective on July 1, 1978, for goods exported from Mexico after April 30, 1978, the directives of November 14, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit, effective on December 19, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Mexico, for which the Government of Mexico had not issued an appropriate export visa or a certification for exemption.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton, wool, and man-made fiber textile products have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 78-18649 Filed 7-5-78; 8:45 am]

[3510-25]

CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED FROM MEXICO

Announcing Monitoring after April 30, 1978

JUNE 30, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Monitoring certain cotton and man-made fiber textile products exported from Mexico after April 30, 1978.

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of May 12, 1975, between the Governments of the United States and Mexico, expired on April 30, 1978. During the period of negotiation of a new agreement, the U.S. Customs Service is being asked to monitor cotton and man-made fiber textile products in categories 347, 348, 634, 635, 638, 639, 641, 647, 648, and 649, produced or manufactured in Mexico and exported to the United States after April 30, 1978, so that these entries may be charged to the levels of restraint established under a new agreement. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs requesting that imports in the aforementioned categories be monitored until further notice.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

U.S. DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR INDUSTRY AND TRADE,
Washington, D.C., June 30, 1978.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: To facilitate implementation of the U.S. textile import restraint program, it would be appreciated if you would count, effective on July 1, 1978, and until further notice, entries for consumption and withdrawals from warehouse for consumption of cotton, and man-made fiber textile products, exported from Mexico after April 30, 1978, in the following categories: 347, 348, 634, 635, 638, 639, 641, 647, 648 and 649.

Inasmuch as all of these entries are later to charged against levels of restraint estab-

lished under the terms of a bilateral agreement, it is imperative that an accurate count be made.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 78-18651 Filed 7-5-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

PEACEFUL USES OF ATOMIC ENERGY

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "Subsequent Arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (Euratom) Concerning the Peaceful Uses of Atomic Energy and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Austria, Japan, Sweden, and Switzerland Concerning Civil Uses of Atomic Energy.

The subsequent arrangements to be carried out under the above mentioned agreements involves the following transfers:

Application No., countries and description of material

RTD/SD(EU)-23, W. Germany to Switzerland; 12,410,000 grams U enriched 3.24% for production fuel elements for reload 10 Bezau II reactor.

RTD/AT(EU)-45, W. Germany to Austria; 30,949,980 grams U enriched 3.40% for production fuel elements for first reload Tullnerfeld reactor.

RTD/SW(EU)-87, W. Germany to Sweden; 10 grams U enriched to 90% for irradiation tests in R-2 reactor of 8 experimental spherical fuel elements.

RTD/JA(SW)-1, Sweden to Japan; 6,165,000 grams U enriched to 3.5% for recovery of uranium from material contaminated with gadolinium.

RTD/EU(SW)-39, Sweden to W. Germany; 868,640 grams of U enriched to 3.2%. Two fuel assemblies for repair and testing in FRG.

RTD/EU(SW)-92, W. Germany to Sweden; 111 grams U enriched to 90% for irradiation test program at Studsvik R-2 reactor to produce and study short-lived nuclides.

RTD/SW(EU)-90, W. Germany to Sweden; 1,780,000 grams U enriched to 3.17% for production fuel elements for reload 4 Oskarshamn II reactor.

RTD/SW(EU)-88, W. Germany to Sweden; 25,300,000 grams U enriched to 3.37% for production fuel elements for reload 2 Barsebaeck II reactor.

RTD/SW(EU)-89, W. Germany to Sweden; 2,300,000 grams U enriched to 3.17% for production fuel elements for reload 2 Ringhas 1 reactor.

RTD/SW(EU)-91, W. Germany to Sweden; 49,700,00 grams U enriched to 2.36% for production fuel elements for first core Forsmark II reactor.

RTD/SW(EU)-93, W. Germany to Sweden; 19,390,000 grams U enriched to 3.17% for production fuel elements for reload 4 Oskarshamn II reactor.

RTD/SW(EU)-94, W. Germany to Sweden; 860,640 grams U enriched to 3.2%. Two fuel elements to be returned to Sweden after repair in FRG.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security of the United States.

These subsequent arrangements will take effect July 21, 1978.

For the Department of Energy.

Dated: June 30, 1978.

HAROLD D. BENGELSDORF,
Director, Office of Nuclear Affairs International programs.

[FR Doc. 78-18608 Filed 7-5-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

[ERA Docket No. BPA 78-2 (formerly FPC Docket No. E-9563)]

BONNEVILLE POWER ADMINISTRATION

Order Extending Conditional Confirmation and Approval of Proposed Transmission Rates

Notice is hereby given that the Assistant Administrator for Utility Systems, Economic Regulatory Administration, has issued the Order published below, extending through June 30, 1979, conditional confirmation and approval of the Bonneville Power Administration's proposed transmission rates for non-Federal electric power. The rates were conditionally confirmed and approved by the Federal Power Commission on June 10, 1977, for the period ending June 30, 1978 (FPC Docket No. E-9563).

In the matter of: Transmisson rates, Bonneville Power Administration, ex rel. Resource Applications (ERA Docket No. BPA 78-2 (Formerly FPC Docket No. E-9563)).

ORDER EXTENDING CONDITIONAL CONFIRMATION AND APPROVAL OF TRANSMISSION RATES

Pursuant to section 301(b) of the Department of Energy Organization Act (the act), 42 U.S.C. 7101 et seq., the function to confirm and approve transmission rates charged by the Bonneville Power Administration was transferred to the Secretary of Energy. By Delegation Order No. 0204-4, effective October 1, 1977, the Secretary of Energy delegated confirmation and approval authority to the Administrator of the Economic Regulatory Administration (ERA or the Administrator. The Administrator has further delegated this authority to the Assistant Administrator for Utility Systems, Economic Regulatory Administration.

BACKGROUND

On July 30, 1976, pursuant to the Federal Columbia River Transmission System Act of October 18, 1974 (16 U.S.C. 838), the Secretary of the Interior filed with the Federal Power Commission (FPC) a request for the confirmation and approval of the following rate schedules for the transmission of non-Federal electric power and energy over the Bonneville Power Administration's (BPA) transmission facilities (FPC Docket No. E-9563):

Schedule FPT-1.—Available for the firm transmission of electric power and energy for another entity over Federal Electric transmission system facilities. The rate is designed for transmitting power from non-Federal hydro and existing thermal plants to load centers over Federal facilities where specific facilities used may not be readily determined.

Schedule UFT-1.—Available for the transmission of electric power and energy for another entity over specified Federal transmission system facilities. The basic monthly charge shall be one-twelfth of the sum of the products of the annual cost of each element of the specific facilities per kilowatt of capacity rating and the transmission demand.

Schedule ET-1.—Available for the incidental transmission of electric energy for another entity using excess capacity of the Federal transmission system.

On January 19, 1977, the Secretary of the Interior filed an amendment to his July 30, 1976, filing requesting that the FPC confirm and approve the proposed rates on an interim basis, subject to retroactive refund with interest, on the ground that each day of delay in adopting new rates caused a loss of approximately $15,000 in revenue to the United States. On June 10, 1977, the FPC conditionally confirmed and approved, after notice and comment, the proposed transmission rates through June 30, 1978. The FPC further ordered that the conditionally confirmed and approved rates were "subject to retroactive adjustment with interest in accordance with such amended or modified rates as are hereafter submitted and approved by the Commission." On July 28, 1977, the FPC issued an order clarifying the matter of possible retroactive rate adjustments. The Commission stated that the June 10, 1977, order was "intended to establish refund rights for BPA's customers if it is determined the BPA's proposed rates are found to be in excess of those required by the act. It does not constitute the basis for the assessment of retroactive increased rates with interest against BPA's customers."

The FPC also determined, in its June 10th Order, that a "substantial

amount of additional analysis" would be required before it could exercise final confirmation and approval authority with respect to the proposed transmission rates, and ordered a hearing before an administrative law judge.

At a July 11, 1977, prehearing conference before an FPC administrative law judge, a schedule was established for hearing this matter. The schedule required BPA to submit additional documentation, principally a fully allocated cost of service study, to the administrative law judge on or before January 26, 1978. On July 28, 1977, the FPC denied a petition for reconsideration filed by the Intercompany Pool Cos. (ICP companies)[1] which contested the FPC's authority to conditionally confirm and approve rates. Review of this matter passed to ERA on October 1, 1977 by the terms of the Secretary's Delegation Order No. 0204-4. BPA has completed a second draft of the cost of service study and has reviewed comments from interested parties, but additional time is necessary for BPA to submit a final cost of service study to ERA and for ERA to act on BPA's request for confirmation and approval of final transmission rates.

Since final transmission rates had not been confirmed and approved by ERA, the Deputy Assistant Secretary for Power Applications, Resource Applications, on May 2, 1978, requested the Administrator to extend the Bonneville Power Administration's conditionally approved transmission rates until such time as final transmission rates have been either confirmed or rejected. Notice of ERA's intention to extend the conditionally approved rates for an interim period not to exceed 1 year was published in the FEDERAL REGISTER (43 FR 21716) on May 19, 1978. The Notice invited interested persons to file written comments on the proposed extension and also offered an opportunity for an oral presentation. Joint written comments were filed by the ICP companies; no requests for an oral presentation were received.

DISCUSSION

The ICP companies assert, in their written comments filed June 9, 1978, responding to ERA's May 19, 1978, notice, that ERA lacks jurisdiction to confirm and approve the BPA transmission rates either on an interim or permanent basis under the Department of Energy Organization Act. They contend that the act contemplates that the rate review function would be solely within the jurisdiction of the Federal Energy Regulatory Commission (FERC). As stated above, section 301(b) of the act transferred to the Secretary of Energy all functions formerly exercised by the FPC that were not specifically transferred to FERC by title IV of the act. The Secretary duly delegated the authority to confirm and approve rate proposals filed by the Federal power marketing administrations, including the Bonneville Power Administration, to the Economic Regulatory Administration in Delegation Order No. 0204-4, effective October 1, 1977 (see, 42 FR 60725-27 (November 29, 1977)). Pursuant to this delegation, ERA has the requisite jurisdiction and authority to confirm and approve BPA's proposed transmission rates.

In their written comments filed June 9, 1978, the ICP companies also assert that the FPC acted erroneously when it conditionally confirmed and approved BPA's proposed transmission rates. The ICP companies contend that "conditional approval of such rates was unlawful because it was: (1) In excess of the power and authority confirmed by the Federal Columbia River Transmission System Act * * *; (2) Contrary to the Administrative Procedure Act * * * since it constitutes an administrative action taken pursuant to unpublished procedures * * *; and (3) Violative of constitutional due process since this entire rate proceeding, including the granting and extention [sic] of interim rates, has been conducted on a completely ad hoc basis without benefit of public rules of conduct or procedure * * *." The ICP companies contend that, for the same reasons, an extension by ERA of the conditionally approved transmission rates would also be unlawful.

As stated in the FPC's July 28, 1977, Order, denying the ICP companies' petition for reconsideration, the Federal Columbia River Transmission System Act is silent as to how the Commission should discharge its duties pursuant thereto. The FPC determined that it was within its discretion to determine how to discharge its rate review obligations where the enabling legislation was silent thereon and it concluded that conditional confirmation and approval of BPA's transmission rates, subject to retroactive refund, was a proper exercise of this discretion. As the successor to the FPC in this proceeding, ERA concludes that it is within its discretionary authority to extend these conditionally approved rates subject to retroactive refund with interest.

The procedures followed by ERA in reviewing RA's request for an extension of BPA's conditionally approved rates complies with the requirements of the Administrative Procedure Act, the Department of Energy Organization Act, and constitutional due process. On May 19, 1978, public notice of RA's request was published in the FEDERAL REGISTER at 43 FR 21716. The notice detailed the established public comment procedures that have been consistently utilized by ERA in rate review and confirmation proceedings, and afforded interested persons the opportunity to file written comments and/or request an oral presentation. This order is issued consistent with that public notice and responds to the major comments, criticisms and alternatives offered during the comment period as required by the Administrative Procedure Act and Department of Energy Organization Act. Thus, ERA's actions with respect to the requested extension do not constitute an ad hoc proceeding as contended by the ICP companies, but are based on a proceeding conducted in accordance with ERA's established procedures.

ERA concludes that it is necessary and appropriate to extend the conditionally approved rates for BPA beyond June 30, 1978, in order to prevent losses of approximately $15,000 per day in revenue to the United States. Should the final rates as confirmed and approved be lower than the conditionally approved rates, any excess shall be refunded by BPA, plus simple interest at the rate of 7 percent per annum.

ORDER

Pursuant to the authorities set forth above, the Assistant Administrator for Utility Systems, Economic Regulatory Administration, Orders:

1. The conditional confirmation and approval of BPA's proposed transmission rates for non-Federal power and energy, as set forth in the Federal Power Commission's initial order issued June 10, 1977, and clarifying order issued July 28, 1977, is hereby extended through June 30, 1979, or until such earlier date as final transmission rates are confirmed and approved;

2. If the final transmission rates as confirmed and approved are lower than the conditionally approved rates extended herein, the excess shall be refunded, plus simple interest at the rate of 7 percent per annum; and

3. The Assistant Secretary for Resource Applications shall cause a copy of this order to be distributed to all parties on the service list.

Issued in Washington, D.C., this 30th day of June 1978.

CHARLES A. FALCONE,
Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-18673 Filed 7-5-78; 8:45 am]

[1]The Intercompany Pool Cos. consist of Puget Sound Power & Light Co., Pacific Power & Light Co., Portland General Electric Co., Idaho Power Co., the Washington Water Power Co., and the Montana Power Co.

[6740-02]

Federal Energy Regulatory Commission

NIAGARA MOHAWK POWER CORP.

[Docket No. ER78-279]

Order Accepting Filing, Suspending Proposed Rates, Granting Waiver and Instituting Investigation

JUNE 23, 1978.

On May 25, 1978, Niagara Mohawk Power Corp. (Niagara) tendered for filing a capability sales agreement dated May 12, 1977 with Central Hudson Gas & Electric Corp. (Central Hudson).[1] Niagara, Central Hudson and Consolidated Edison Co. of New York are tenants in common of the Roseton Generating Plant in Roseton, N.Y. under terms of an agreement among the parties dated October 31, 1968. The capability sales agreement filed herein provides for the purchase of a portion of Niagara's share in the output of the Roseton Plant by Central Hudson for a 7 month period each year, April through October, for the years 1977 through 1982. Niagara requests waiver of the Commission's notice requirements to allow for an effective date of April 24, 1977. The rates to be charged under the instant agreement are based upon costs associated with furnishing capacity and energy from the Roseton Plant; such cost determination includes, inter alia, a rate of return component with an 8 percent floor.

By Secretary letter dated May 3, 1978, in Docket No. ER78-220, the Commission accepted for filing an amendment to the Roseton Transmission agreement dated May 12, 1977, between Central Hudson and Niagara Mohawk, but rejected that portion of the agreement proposing an 8 percent floor on rate of return.

Notice of the instant filing was first issued on April 5, 1978 with protests or petitions to intervene due on or before April 17, 1978. No protests or petitions to intervene were filed. However, because the filing contained deficiencies that were not cured until May 25, 1978, and because of the aforementioned Secretary letter in Docket No. ER78-220, further notice in the instant docket was issued on June 7, 1978, with protests or petitions to intervene due on or before June 21. 1978.

On June 19, 1978, Central Hudson tendered for filing a petition to intervene. In support of its petition, Central Hudson states that is desires to protect its interests with regard to the agreements between Central Hudson and Niagara Mohawk which are the subject of the instant docket. Central Hudson states that it fully supports Niagara Mohawk's submission in the instant docket. Central Hudson further states that the 8 percent floor on rate of return proposed in the aforementioned transmission service agreement filed in Docket No. ER78-220 was negotiated in good faith with Niagara Mohawk in consideration for a similar floor in the Capability Sales Agreement filed in the instant docket. Central Hudson urges that the Commission accept the Capability Sales Agreement with its 8 percent floor on rate of return. Central Hudson further urges that consistency mandates that the Commission accept and reinstate the 8 percent floor on rate of return previously rejected in Docket No. ER78-220.

Our review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferentail, or otherwise unlawful. Therefore, the Commission will accept the submittal for filing and will suspend the rates and services for one day until April 25, 1978, after which the rates and services will go into effect subject to refund. The Commission shall defer until no later than July 26, 1978, the establishment of hearing procedures pending further staff report on the issues raised in this proceeding including those raised in Central Hudson's petition to intervene.

The Commission finds that good cause has been shown to grant waiver of its notice requirements pursuant to section 35.11 of its rules and regulations.

The Commission finds participation by the petitioner in this proceeding may be in the public interest.

The Commission Orders: (A) The rates proposed by the Niagara Mohawk Power Corp. are hereby accepted for filing and suspended for one day from April 24, 1977 and shall become effective as of April 25, 1977, subject to refund. The establishment of hearing procedures is hereby deferred until no later than July 26,1978.

(B) Waiver of the Commssion's notice requirements is hereby granted pursuant to section 35.11 of the Commission's rules and regulations.

(C) The Petitioner, Central Hudson Gas & Electric Co., is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission. *Provided, however,* That participation by such intervenor shall be limited to matters set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18521 Filed 7-5-78; 8:45 am]

[1]Niagara originally tendered this agreement for filing on March 28, 1978. By Secretary letter dated April 27, 1978, Niagara was advised that its filing was deficient. Niagara cured such deficiency on May 25, 1978.

[6740-02]

[Docket No. CP76-52 et al.]

NORTHERN NATURAL GAS CO. ET AL.

Order Accepting Withdrawal of Applications

JUNE 27, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Applicants for this storage and related facilities have filed a notice of withdrawal of their respective applications [1] requesting withdrawal effective

[1]The notice of withdrawal of applications by Northern Natural Gas Co. and its Peoples Natural Gas Division—Operator filed May 23, 1978, contains the following description of those applications (pps. 1-2):

The application in Docket No. CP76-52, which was filed on August 11, 1975 by Northern, requested a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act (Act) authorizing the construction and operation of minor facilities in Hancock County, Iowa to

Footnotes continued on next page

June 22, 1978.[2] The basis for withdrawal cited is lack of need for the additional storage because of substantial gas conservation by existing consumers and because a forecasted shortage of propane for peak-shaving purposes has not materialized.[3]

Wherefore, the notice of withdrawal is accepted and it is ordered that this proceeding shall terminate effective June 22, 1978.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18522 Filed 7-5-78; 8:45 am]

Footnotes continued from last page

connect its pipeline with an LNG plant proposed to be constructed by Peoples on behalf of itself, Northwestern Public Service Co. (Northwestern) and Iowa Electric Light and Power Co. (Iowa Electric), and to transport natural gas in interstate commerce to and from the plant for the accounts of the three gas-distributor owners of the plant.

The application in Docket No. CP76-166, which was filed on November 20, 1975, by Peoples-Operator (supplemented on March 22, 1976 and amended on October 19, 1976), requested an order of the Commission disclaiming jurisdiction over the construction and operation of certain natural gas liquefaction, storage and regasification facilities to be located adjacent to Northern's pipeline in Hancock County, Iowa. In the alternative, Peoples-Operator sought a certificate of public convenience and necessity under section 7 of the act authorizing the construction and operation of the above-described facilities. The LNG facilities were estimated to cost $41,646,100 and would have a liquefaction capacity of approximately 15,000 Mcf per day, liquid storage capacity of the equivalent of approximately 2,000,000 Mcf and regasification capacity of approximately 75,000 Mcf per day. Peoples Division would bear 71 percent of the construction and operating costs, Iowa Electric and Northwestern would bear 18.6 percent and 10.4 percent respectively. It was proposed to liquefy in the summer gas that would otherwise be sold for lower priority uses and regasify the liquid in the winter for sale on peak days to high priority consumers, both existing and new.

[2] The notice of withdrawal was filed pursuant to section 1.11(d) of our rules of practice and procedure which requires express permission of the Commission before withdrawal may be effected where a hearing has been held. Exceptions on an initial decision denying applications for construction of LNG facility, May 19, 1977, were pending at time of receipt of the notice.

[3] The May 23, 1978 notice recites Northwestern Public Service Co.'s concurrence with the notice. Iowa Electric Light and Power Co. concurred in the notice by filing of May 25, 1978. Iowa Electric's statement indicates that short-term peaking arrangements are now available but will have to be replaced by permanent facilities in the future.

[6740-02]

NORTH PENN GAS CO.

[Docket No. RP73-8]

Proposed Changes in FERC Gas Tariff

JUNE 27, 1978.

Take notice that North Penn Gas Co. (North Penn) on June 15, 1978, tendered for filing proposed changes in its FERC gas tariff, first revised volume No. 1, pursuant to its PGA clause for rates to be effective July 1, 1978.

North Penn states that the rates contained in fifty-fifth revised sheet No. PGA-1 reflect an increase of 12.038¢ per Mcf over the rates contained in third substitute fifty-fourth revised sheet No. PGA-1 as submitted for approval to the Federal Energy Regulatory Commission (Commission) on June 9, 1978 and will result in an annual increase of approximately $1.6 million to jurisdictional customers.

Fifty-fifth revised sheet No. PGA-1 reflects the lower alternate rates filed by Consolidated Gas Supply Corp. on June 7, 1978 and Tennessee Gas Pipeline Co. on May 31, 1978, both for effectiveness July 1, 1978.

North Penn requests a waiver of the Commission's rules and regulations, specifically section 154.22, notice requirements, stating that it did not receive its suppliers' rates in time to make a timely filing. Additionally, North Penn requests a waiver of any other of the Commission's rules and regulations as may be deemed necessary to allow the revised tariff sheets to become effective on July 1, 1978 as proposed.

Copies of this filing were served upon North Penn's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18523 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-380]

NORTHWEST PIPELINE CORP.

Application

JUNE 27, 1978.

Take notice that on June 19, 1978, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-380 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 2,000 Mcf of natural gas per day for Southwest Gas Corp. (Southwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that Southwest has contracted for or otherwise owns or controls certain natural gas reserves in the San Juan Basin of Colorado and New Mexico, which are distant from its existing distribution system in southern Nevada, and that in order to make such gas reserves available to its system, Southwest and Applicant have entered into a gas purchase, gathering and transportation agreement, dated April 12, 1978, which agreement provides, inter alia, that Applicant would construct the necessary facilities to connect five wells, the Clary Gas Unit No. 1, the Maestas Gas Unit No. 2, the Horton No. 9, the Rea No. 1 and the State Bancos No. 1, to Applicant's existing San Juan Basin Gathering system. Applicant indicates that it would gather and transport the volumes of gas so delivered by Southwest from such wells and would redeliver thermally equivalent volumes, less compressor fuel usage, of gas so gathered for transportation to an existing point of interconnection between the facilities of Applicant and El Paso Natural Gas Co. (El Paso) in La Plata County, Colo., for the account of Southwest. Such volumes would be transported via El Paso's existing facilities for ultimate redelivery by El Paso to Southwest at an existing deliveryt point, it is said.

It is indicated that Applicant would provide a wellhead gathering service for Southwest of up to 2,000 Mcf of natural gas per day, which may be available from the acreage. It is asserted that presently, Southwest has available volumes of gas to be produced from the five aforementioned wells. The five wells are not clustered i.e., capable of connection by a common system, but are located throughout Applicant's San Juan gathering system, it is said. Applicant indicates that it would construct a total of 2.94 miles of 4½-inch gathering line to connect the five wells to various points on its San Juan system. The gas would be transmitted through the various parts of Applicant's San

Juan gathering system to the central point of the gathering system which is Applicant's Ignacio gasoline plant where the gas would be processed to pipeline quality and then delivered to El Paso at an existing point of interconnection between the facilities of Applicant and El Paso in La Plata County, Colo., it is stated. The application states that the volumes of natural gas delivered to El Paso for Southwest's account at the existing point of interconnection would be equivalent to the volumes received by Applicant at the wellheads, less Southwest's proportional share of gathering compressor fuel and compressor fuel usage through Applicant's Ignacio gasoline plant. It is indicated that El Paso would then redeliver equivalent volumes to Southwest. It is indicated that the facilities necessary to connect the initial five Southwest wells to the existing San Juan Gathering System are exempt from the Commission's jurisdiction pursuant to section 1(b) of the Natural Gas Act: however, the cost of such construction is estimated to be $243,550.

The volumes of gas to be gathered and transported hereunder would be balanced on a Btu basis and such balancing would, to the extent possible, be achieved monthly, it is said.

It is stated that in consideration for the gathering and transportation service proposed herein and pursuant to the agreement, Applicant would charge southwest 17.49 cents per Mcf of gas so gathered and transported.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18524 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-381]

NORTHWEST PIPELINE CORP.

Application

JUNE 27, 1978.

Take notice that on June 19, 1978, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-381 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification of the existing sales delivery point at Grand Junction, Colo. to enable Applicant to provide for emergency service to Western Slope Gas Co. (Western), a customer of Applicant, of up to 500 Mcf per hour and 12,500 Mcf per day in additional gas deliveries at that point pursuant to a service agreement between Applicant and Western dated December 7, 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the December 7, 1977, agreement it is currently supplying approximately .4 percent of Western's natural gas requirements to Grand Junction. Western supplies natural gas service to Grand Junction utilizing its 8-inch pipeline which extends a distance of approximately 56 miles from the West Douglas Field in Rio Blanco County, Colo. to Grand Junction located in Mesa County, Colo., it is said.

Applicant states that Western's pipeline passes over the Douglas Pass area of the Rohn Mountains, Rio Blanco County, Colo., which has a history of ground slippage and that should such a slippage occur and cause a failure of Western's pipeline, Western would have no means of maintaining natural gas service to Grand Junction. Applicant further states that Western does have a storage field which could supply a small amount of natural gas in case of an emergency on Western's 8-inch line; however, the small amount of storage gas that Western could supply would only provide a limited amount of protection gas to Grand Junction's priority 1 and 2 customers. The 95 Mcf of gas per day that Applicant could supply Western under its Rate Schedule DS-1 with existing facilities and Western's storage gas could not provide adequate service to Grand Junction, it is said. Therefore, Applicant and Western have entered into a letter agreement dated February 22, 1978, which provides that Applicant would make the necessary modifications to the Grand Junction meter station, it is indicated.

Specifically, Applicant requests authorization to construct and operate a 4-inch orifice type meter run with a 2-inch bypass, complete with appurtenances, located within the perimeter fencing of the existing meter station adjacent to Applicant's 26-inch mainline in Garfield County, Colo.

Applicant estimates that the cost of the proposed modifications would be $17,100. Western has agreed to reimburse Applicant for this cost, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to

appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18526 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-442]

PACIFIC POWER & LIGHT CO.

Filing of Revised Exhibit

JUNE 27, 1978.

Take notice that Pacific Power & Light Co. (Pacific) on June 20, 1978, tendered for filing, in accordance with section 35 of the Commission's regulations, Revision No. 3 of exhibit A, to Pacific's Rate Schedule FPC No. 123. Rate Schedule FPC No. 123 provides for transmission service to Tri-State Generation & Transmission Association, Inc. (Tri-State). Pacific indicates that exhibit A, in accordance with the terms of the rate schedule, is revised annually by Tri-State and approved by Pacific, specifying amounts to be transferred for the fourth year of the commitment period. This interim revision provides for addition of a new point of delivery.

Pacific requests waiver of the Commission's notice requirements to permit the exhibit to become effective on July 17, 1978, which it claims is the date of commencement of service.

Copies of this filing have been supplied to Tri-State, according to Pacific.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18526 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-443]

PACIFIC POWER & LIGHT CO.

Rate Filing

JUNE 27, 1978.

Take notice that Pacific Power & Light Co. (Pacific) on June 20, 1978, tendered for filing, in accordance with § 35.12 of the Commission's regulations, a rate schedule for excess firm energy sales to El Paso Electric Co. (El Paso). Pacific requested that the rate schedule be made effective 30 days after acceptance for filing.

Copies of this filing were supplied to the purchaser, according to Pacific.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18527 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-444]

PACIFIC POWER & LIGHT CO.

Filing of Service Agreement

JUNE 27, 1978.

Take notice that on June 20, 1978, Pacific Power & Light Co. (Pacific) tendered for filing a Service Agreement under its FPC Electric Tariff, Original Volume No. 2 for the following additional customer:

Purchaser and Date of Execution

El Paso Electric Co., May 5, 1978.

The filing indicates that copies were sent to El Paso Electric Co.

Pacific has requested a waiver of the notice requirements of the Commission's regulations to allow this schedule to become effective as of May 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18528 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ID-1717]

THOMAS A. GRIFFIN, JR.

Application (Issued June 5, 1978)
Errata Notice

JUNE 27, 1978.

The first paragraph should read:

Take notice that on May 18, 1978, Thomas A. Griffin, Jr. (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, President and Chief Operating Officer, Orange and Rockland Utilities, Inc., Public Utility.
Director, President and Chief Operating Officer, Rockland Electric Co. Public Utility.
Director, President and Chief Operating Officer, Pike County Light & Power Co. Public Utility.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18529 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. EL78-18]

TOWN OF HIGHLANDS, N.C., v. ALUMINUM CO. OF AMERICA, ET AL.

Extension of Time

JUNE 27, 1978.

On June 19, 1978, Aluminum Co. of America, Tapoco, Inc., and Nantahala Power & Light Co., respondents in the captioned proceeding, filed a motion renewing their May 31, 1978 request for an extension of time to and including July 10, 1978, to answer the complaint filed by the town of Highlands. By notice issued June 8, 1978, an extension of time was granted to and including June 23, 1978, for filing the answer to the complaint. A limited extension of time was initially granted based on a response filed by the town of Highlands in opposition to the original motion, stating that the requested 30-day extension might prejudice action on Highlands' April 24, 1978 motion to consolidate this proceeding with the proceedings in Alcoa Generating Corp., et al., Docket No. E-7398 and Nantahala Power & Light Co., Docket No. ER76-828. The instant request states that respondents are authorized to represent that counsel for Highlands does not oppose the extension to July 10, 1978.

Upon consideration, notice is hereby given that a further extension of time is granted to and including July 10,

1978, for respondents to file their answer.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18530 Filed 7-5-78; 8:45 am]

[6740-02]

[Project No. 2839]

VILLAGE OF LYNDONVILLE ELECTRIC DEPARTMENT

Application for Minor License

JUNE 27, 1978.

Take notice that an application for a minor license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the Electric Department of the Village of Lyndonville, Vt., (correspondence to: Dean G. Parker, Chairman, Board of Trustees, Lyndonville Electric Plant, Lyndonville, Vt. 05851, and to Kleinschmidt and Dutting, Consulting Engineers, 73 Main Street, Pittsfield, Maine 04967) for its existing Great Falls Project No. 2839, located on the Passumpsic River in Caledonia County, near the town of Lyndon, Vt.

The existing run-of-the-river Great Falls Project consists of: (1) A concrete dam 160 feet long having a maximum height of 32 feet and having flashboards 2 feet high; (2) a reservoir extending approximately 1 mile upstream and having a water surface area of 12 acres at a normal water surface elevation of 668.38 feet msl; (3) a 290-foot long canal leading from headwork gates to trash racks; (4) a 7 foot 14 inch diameter penstock, which extends 200 feet to; (5) a concrete powerhouse, 40 feet square, containing; (6) two horizontal turbines rated at 430 hp each, directly connected to; (7) two 300 kV generators. Applicant proposes to replace the existing turbines with a 1,200 kW turbo-generator to be installed in a 25 by 47 foot proposed powerhouse addition. The two existing units would then be retired. Water would be delivered to the new unit from the existing penstock. All power produced will be used by the applicant for sale to the residents of Lyndonville.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before August 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18531 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-438]

VIRGINIA ELECTRIC & POWER CO.

Tendered Revised Contract Supplement

JUNE 28, 1978.

Take notice that on June 19, 1978, Virginia Electric & Power Co. (VEPCO) tendered for filing a revised supplement to the contract between VEPCO and Northern Neck Electric Cooperative. VEPCO states that the revised contract supplement reflects changes, as set forth below, due to the purchase of the company's air-break switches by the cooperative and the installation of the cooperative's protective device at Folly Delivery Point:

Present FERC No.	Proposed FERC No.	Item Corrected
89-19	89-29	1, 3, 10, 11

VEPCO states that the revised contract supplement is intended to supersede the listed FERC Rate Schedule and requests that the revised supplement be allowed to become effective on the date of the completion of the purchase of the air-break switches with the understanding that the company will notify the Commission of the effective date.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18532 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-436]

VERMONT ELECTRIC POWER CO., INC.

Filing

JUNE 28, 1978.

Take notice that on June 19, 1978, Vermont Electric Power Co., Inc. (VELCO) tendered for filing a rate schedule for the sale of 25,000 kW of capacity and related energy from the Vermont Yankee Nuclear Electric Generating Unit in Vernon, Vt., dated as of April 17, 1978.

VELCO states that the service to be rendered under this rate schedule consists of the sale of 25,000 kW capacity and related energy from the Vermont Yankee Unit to the New Bedford Gas & Edison Light Co. for a 12-month period. VELCO further states that the Vermont Yankee power being sold to New Bedford will be at its cost to VELCO, and that there will be no change in the overall rate of return of VELCO.

VELCO requests that the Commission allow an effective date of this rate schedule of November 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18533 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. RP77-114]

WESTERN TRANSMISSION CORP.

Filing of Revised Tariff Sheets Pursuant to Stipulation and Agreement

JUNE 27, 1978.

Take notice that on June 15, 1978, Western Transmission Corp. (Western) tendered for filing revised tariff sheets to its FERC Gas Tariff effective April 1, 1978, consisting of the following:

Second Substitute Seventh Revised Sheet No. 3-A.

Superseding Sixth Revised Sheet No. 3-A.
Substitute Fourth Revised Sheet No. 4.
Superseding Third Revised Sheet No. 4.

Western states that these tariff sheets reflect the amendments to its November 21, 1977 filing resulting from the Commission's June 2, 1978 letter order approving the stipulation and agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18534 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP75-14]

ALGONQUIN LNG, INC.,

Notice of Presiding Administrative Law Judge's Certification of Proposed Settlement, Record, and Motion for Consolidation of Proceedings

JUNE 27, 1978.

Take notice that on June 23, 1978, the Presiding Judge certified to the Commission a proposed stipulation and agreement, the record, and a motion for consolidation of proceedings in the above-captioned docket. The proposed settlement would resolve the outstanding storage rate issues presented in the instant docket and in four related dockets which are concerned with a temporary LNG storage service rendered by Algonquin LNG during five consecutive summer seasons.

The proposed agreement provides for a storage rate of $4.09 per barrel in Docket No. CP75-14 and a rate of $4.50 per barrel in Docket Nos. CP75-374, CP76-398, CP77-413, and CP78-258. In addition, the agreement obligates Algonquin LNG to refund at a rate of 9 percent per annum all amounts collected in excess of the agreed upon $4.09 rate in Docket No. CP75-14.

Both counsel for Algonquin LNG and the Algonquin customer group urge expeditious Commission action on the proposed settlement and the pending certificate application in Docket No. CP78-256 in order that LNG may be stored this summer for use during the 1978-79 winter heating season. Accordingly, for good cause shown, the period for the submission of comments will be shortened in order to hasten the disposition of the settlement proposal.

Any person desiring to be heard or to protest the above-described settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 5, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18535 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. AR61-2, et al., and AR69-1]

AREA RATE PROCEEDINGS, ET AL. (SOUTHERN LOUISIANA AREA)

Order Denying Petition To Defer Distribution of Refunds

JUNE 27, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

On May 4, 1978, Shell Oil Co. (Shell) filed a petition in the above-referenced dockets for a Commission order directing that producer refund monies paid by Shell to two pipeline purchasers, Transcontinental Gas Pipe Line Corp. (Transco) and Tennessee Gas Pipeline Co. (Tennessee), be retained by the purchasers until the amount of repayment due Shell as a refund credit can be calculated and filed with the Commission. For the reasons hereinafter stated, the Commission will deny Shell's petition and order that refund distribution not be delayed on account of this or similar refund credits.

In opinion No. 598, 46 FPC 86 (1971), aff'd on reh. 46 FPC 633 (1971), aff. 483 F.2d 880 (1973) the Commission determined, inter alia, just and reasonable rates for natural gas produced in the southern Louisiana area. This in turn gave rise to refund obligations for all charges made in excess of those rates during the applicable period. The Commission provided, however, that the refund obligations could be discharged through the dedication of gas to interstate commerce, in the form of a refund credit of 1 cent for each Mcf of new gas reserves committed to jurisdictional sales from the area (46 FPC at 141).

On December 31, 1975, the Commission issued opinion No. 749,[1] which required producers, including Shell, to waive the refund credit of 1 cent per Mcf allowed under opinion No. 598 and other area rate proceedings, as to reserves dedicated prior to December 31, 1975, but not delivered until after that date, in order to receive the newly-established nationwide ceiling rate for flowing gas provided in opinion No. 749. Shell states that pursuant to opinion No. 749, Shell prepared its refund reports in the instant case, and ultimately made refunds to Transco, Tennessee, and others, on the basis that the 1 cent per Mcf refund credit would be allowed only on those volumes from "new" reserves delivered prior to December 31, 1975. Refund distribution plans were subsequently filed by Transco and Tennessee and approved by the Commission.

On April 18, 1978, the United States Court of Appeals for the Fifth Circuit, in *Tenneco Oil Company, et al.* v. *Federal Energy Regulatory Commission*, Case Nos. 76-2960, et al., —— F. 2d ——, affirmed opinion No. 749, except insofar as the waiver of the 1 cent per Mcf refund credit was concerned. On this issue the fifth circuit reversed the Commission, finding that the part of the Commission's order requiring a waiver of refund credits for sales made at the new rates must be set aside. Shell argues that the refunds paid by Shell and proposed to be flowed-through by Transco and Tennessee to their customers therefore contain undetermined sums to which Shell is now legally entitled. Shell objects to any flow-through of refunds by its pipeline purchasers until the amount due Shell for the refund credit can be calculated and filed with this Commission.

We will deny the petition. Although we recognize that, pursuant to the

[1] Docket No. R-478, —— FPC ——.

fifth circuit's opinion in Tenneco, Shell may now have a proprietary interest in a portion of those refunds already paid to the pipeline purchasers, we believe the weight of the equities in this situation lies with the customers "down-line". They have simply waited too long to receive their refunds. These proceedings began in 1969, culminating in the issuance of opinion No. 598 on July 16, 1971. An additional delay of refunds to the customers "down-line" for an indefinite period of time would, in our view, be unreasonable and unfair. Furthermore, Shell will not be unduly disadvantaged by our order, inasmuch as the action taken herein is without prejudice to Shell filing a request for a surcharge to recover those amounts the Commission finally determines are repayable pursuant to Tenneco Oil, supra.

All pipeline purchasers similarly situated to Transco and Tennessee are expected to file refund distribution plans and make refund distributions in accordance with the determinations made in this order. No refund distributions pending in this or any other proceeding are to be delayed in light of the Court's opinion with regard to the waiver of refund credits in Tenneco, supra. Individual refund plans will be dealt with by separate order.

The Commission finds. Good cause does not exist to grant Shell's May 4, 1978 petition to defer distribution of refunds.

The Commission orders. (A) Shell's May 4, 1978, petition to defer distribution of refunds is hereby denied.

(B) The filing of refund distribution plans, or the distribution of refunds, in this or any other proceeding, is not to be delayed in light of the Court's opinion with respect to the waiver of refund credits in Tenneco Oil Company, et al., —— F. 2d —— (1978).

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.78-18536 Filed 7-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-439]

ARIZONA PUBLIC SERVICE CO.

Filing of Revision to Agreement

JUNE 28, 1978.

Take notice that on June 19, 1978, Arizona Public Service Co. (APS) tendered for filing a second revised exhibit "A" dated May 26, 1978, to its Wholesale Power Supply Agreement with the U.S. Bureau of Indian Affairs on behalf of the Colorado River Indian Irrigation. Project (CRIIP), FPC Rate Schedule No. 65. This revision of exhibit "A" to the agreement, adds the contract demand for 1982.

Copies of this filing were served upon the Arizona Corporation Commission.

The effective date of this revision is intended to be upon acceptance by the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18537 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-440]

ARIZONA PUBLIC SERVICE CO.

Filing of Revision to Agreement

JUNE 28, 1978.

Take notice that on June 19, 1978, Arizona Public Service Co. (APS) tendered for filing a second revised exhibit "A" dated May 26, 1978, to its Wholesale Power Supply Agreement with the United States Bureau of Indian Affairs on behalf of the San Carlos Indian Irrigation Project (SCIIP), FPC Rate Schedule No. 66. This revision of exhibit "A" to the agreement, increases the contract demands for the years 1979 though 1981 and adds the year 1982.

The effective date of this revision is intended to be upon acceptance by the Commission.

Copies of this filing were served upon the Arizona Corporation Commission, according to APS.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18538 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CI62-1184 et al.]

ATLANTIC RICHFIELD CO., ET AL.

Order Granting Rehearing for Purposes of Further Consideration and Granting Intervention out of Time

JUNE 27, 1978.

By order issued May 11, 1978, we issued certificates of public convenience and necessity to Exxon Corp. & Petroleum Inc., for the sale of natural gas to Northwest Pipeline Corp. (Northwest). The certificates were conditioned that if any of the costs of conditioning the subject gas were included in the rates of the purchaser then the purchaser will be required to prove that these costs have not been compensated for in the applicable national ceiling rate, and that this condition is subject to whatever action is taken by the Commission on rehearing in Docket Nos. CI77-412, CP77-558 and CP77-577.

On May 24, 1970, Northwest filed a petition for leave to intervene out of time and an application for rehearing of the above order in Docket Nos. CI77-532 and CI77-580. This application raises objections in connection with the provision relating to the cost of conditioning the subject gas.

The Commission finds. Participation in this proceeding by Northwest may be in the public interest.

The Commission orders. (A) Northwest is permitted to intervene in the dockets in which it filed subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this docket.

(B) The application for rehearing of our order of May 11, 1978, filed by Northwest is hereby granted solely for the purpose of affording further time for consideration. Since this order is not a final order on rehearing, no response to the order will be entertained by the Commission in accordance with the terms of § 1.34(d) of the Commission's rules of practice and procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18539 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP73-329]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

JUNE 27, 1978.

Take notice that on June 14, 1978, Chattanooga Gas Co., a division of Jupiter Industries, Inc. (Chattanooga), tendered for filing proposed changes to Original Volume No. 1 of its FERC Gas Tariff to be effective on July 1, 1978, consisting of the following revised tariff sheets:

Alternate Thirtieth Revised Tariff Sheet No. 6

Chattanooga states that the sole purpose of this substitute revised tariff sheet is to adjust Chattanooga's LNG rates pursuant to the PGA provision in section 5 of the general terms and conditions of its gas tariff. This alternate filing is being made with the Commission to reflect East Tennessee's Substitute Alternate Twenty-Seventh Revised Sheet No. 4 which is based upon an alternate rate of Tennessee Gas Pipeline Co. (Tennessee), filed in the event the Commission (FERC) determines that certain purchases included in Tennessee's calculation of its PGA adjustment are inappropriate.

In the event the Commission does accept Tennessee's and East Tennessee's original proposed tariff sheets, then Chattanooga will rely upon its original filing made with the Commission on June 14, 1978, to become effective on July 1, 1978.

The Alternate Thirtieth Revised Tariff Sheet No. 6 reflects a current increase in the LNG rates of 14.5 cents per MMBtu and a cumulative increase of $1.383 per MMBtu.

Chattanooga requests that the Alternate Thirtieth Revised Sheet No. 6 become effective on July 1, 1978, the proposed effective date of the rate changes by East Tennessee and Southern Natural.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18540 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket Nos. CP77-573 and CP77-575]

CITIES SERVICE GAS CO.

Extension of Time

JUNE 27, 1978.

On June 19, 1978, Cities Service Gas Co. filed a motion for an extension of time to install and place in actual operation the facilities authorized by the Commission's December 20, 1977, order issuing certificates of public convenience and necessity in the captioned dockets. The motion states that due to delays in completing construction of the various houses and the laying of service lines to these houses from Cities Service's transmission lines, Cities Service will not be able to complete these installations by the time specified in the December 20, 1977, order.

Upon consideration, notice is hereby given that an extension of time is granted to and including December 20, 1978, within which to construct and place in actual operation the facilities authorized by the Commission's December 20, 1977, order.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18541 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-118]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

JUNE 27, 1978.

Take notice that on June 7, 1978, Columbia Gas Transmission Corp. (Columbia) tendered for filing the following proposed changes in its FERC Gas Tariff, to be effective May 22, 1978:

Original Volume No. 1. Tenth Revised Sheet No. 5A and Twelfth Revised Sheet No. 86A.

Original Volume No. 2. Tenth Revised Sheet No. 4A and Original Sheet Nos. 698 through 708.

These sheets reflect Rate Schedule X-71, a transportation agreement between Columbia and Glenshaw Glass Co., Inc. This transportation agreement was authorized by the Commission's order issued March 17, 1978, in Docket No. CP78-118.

A copy of this filing was served on Glenshaw Glass Co., Inc.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18542 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-437]

CONSUMERS POWER CO.

Proposed Tariff Change

JUNE 27, 1978.

Take notice that Consumers Power Co. (Consumers Power) on June 19, 1978, tendered for filing a letter agreement dated May 8, 1978, between Consumers Power and Commonwealth Edison Co. (Commonwealth) which constitutes a redetermination of the fixed charge factor applicable to transactions under the "Agreement for Sale of Portion of Generating Capability of Ludington Pumped Storage Plant by Consumers Power Company to Commonwealth Edison Company," dated June 1, 1971, as amended by an agreement dated August 15, 1971 (hereinafter termed "Agreement as amended"). The agreement as amended has been denoted Consumers Power Co. Rate Schedule FPC No. 28. Consumers Power states that the redetermination of the fixed charge factor was made pursuant to the terms of the Agreement as amended and does not constitute an amendment to the agreement.

Consumers Power states that the letter agreement reduces the fixed charge factor from 15.351 percent to 15.017 percent for calendar year 1976, and to 14.867 percent on and after January 1, 1977. Consumers Power states that the reductions reflect the elimination on January 1, 1976, of the Michigan corporate income tax and its replacement by the Michigan single business tax, the increase from 6 percent to 10 percent in the investment tax credit, and the elimination on January 1, 1977, of the Michigan corporate franchise tax. Consumers Power

states that the effect of the reduction in the fixed charge factor on billings from Consumers Power to Commonwealth in 1976 was a reduction of $185,000.

Consumers Power requests waiver of the notice requirements to permit an effective date of January 1, 1976, for the 15.017 percent rate and of January 1, 1977, for the 14.867 percent rate, and therefore requests waiver of the Commission's notice requirements.

Consumers Power states that copies of the filing were served on Commonwealth, the Detroit Edison Co., and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said letter agreemnet should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the letter agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18543 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-445]

FLORIDA POWER CORP.

Filing of Contract Amendment

JUNE 27, 1978.

Take notice that Florida Power Corp. (Florida Power) on June 20, 1978, tendered for filing "Amendment to Special Agreement to Furnish and Receive Electric Service and Energy Between Florida Power Corporation and Reedy Creek Utilities Co., Inc.", which concerns service to Reedy Creek Utilities Co., Inc. Florida Power states that the purpose of the amendment is to provide for standby service, and to alter the terms under which Reedy Creek can earn a capacity credit for running its own generating facilities.

Florida Power proposes an effective date of June 5, 1978, and therefore requests waiver of the Commission's notice requirements.

Florida Power indicates that copies of this filing were served upon the Reedy Creek Utilities Co., Inc., and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18544 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-19, et al.]

FLORIDA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Amendment to Rate Schedule, Accepting and Suspending Notice of Cancellation, Waiving Regulations, and Granting Intervention

JUNE 23, 1978.

By letter dated May 25, 1978, Florida Power & Light Co. (FP&L) submitted for filing exhibit A to its FERC electric tariff for service to the city of Homestead, Fla. (Homestead). Under the terms thereof, FP&L states that it will make 8 MW of firm power and energy available at the city's Lucy substation for the period May 23, 1978, through May 31, 1978, under its rate schedule PR.[1] The company requests waiver of section 35.3 of the Commission's regulations to the extent necessary to permit service to become effective May 23, 1978.

FP&L, by letter dated June 9, 1978, notified the Commission that its submittal letter of May 25, 1978, inadvertently stated that a service agreement was enclosed. It indicated that only exhibit A was submitted, amending the previously filed service agreement to provide for service at a new delivery point.

FP&L also included a proposed notice of cancellation, stating that effective June 1, 1978, service to Homestead would be cancelled pursuant to the notice of cancellation filed in Docket No. ER78-81.[2] FP&L requests that the Commission waive the notice requirements of its regulations for its notice of cancellation.

Notice of FP&L's filing[3] was issued on June 2, 1978, with petitions to intervene or protests due on or before June 12, 1978.

On May 30, 1978, Homestead filed its petition to intervene, protest, and request for relief.[4] Homestead argues that it has continually requested that FP&L provide service according to the terms of its SR-1 tariff and the PR rates. However, it indicates that FP&L refuses to provide this service, except on the condition that it agree to a termination date of June 1, 1978. Homestead maintains that termination of service on that date is not provided for in the SR-1 tariff; the SR-1 tariff provides for an initial term of 5 years. Homestead contends that FP&L's refusal to provide SR-1 service under the terms of the tariff represents: (a) A continuing breach of FP&L's contract and tariff commitment to it to provide continued service at or below the filed wholesale rate; (b) a continuation of FP&L's discriminatory and anticompetitive design to deny or unlawfully condition wholesale service to it; and (c) an action contrary to the public interest. Homestead requests: (1) That it be granted intervention; (2) that the Commission find that FP&L's refusal to sell wholesale power to it pursuant to the terms of the SR-1 tariff is contrary to the Federal Power Act; (3) that the Commission accept FP&L's filing but reject the proposed termination of service or, in the alternative, suspend for 5 months; and (4) that the Commission order any relief it deems appropriate.

By order of December 30, 1978, the Commission accepted for filing, suspended for 5 months, and set for expedited hearing: (1) the availability clauses of FP&L's full (SR-2) and partial (PR) requirements wholesale rate tariffs in Docket No. ER78-19; and (2) FP&L's December 1, 1977, notice of cancellation of firm partial requirements service to Homestead in Docket No. ER78-81. The administrative law judge issued his initial decision on April 21, 1978. Briefs on and opposing exceptions were filed by May 12, 1978.

On June 1, 1978, in Docket Nos. ER78-19 and ER78-81 (phase I), the Commission issued its order providing status report on expedited proceeding and giving notice of intention to act. The Commission indicated that the magnitude of the record was beyond its contemplation as of its December 30, 1977, order, and made it impossible for it to render a comprehensive and well-reasoned decision by June 1, 1978.[5] The Commission requested that

[1] Rate schedule PR is currently under investigation in Docket No. ER78-19, et al.

[2] That notice, proposed to become effective on January 1, 1978, was suspended for 5 months by the Commission.

[3] Though FP&L filed its exhibit A and the proposed notice of cancellation simultaneously, the Commission assigned Docket No. ER78-395 to the exhibit and Docket No. ER78-400 to the notice of cancellation.

[4] On May 24, 1978, Homestead filed a complaint in Docket No. ER78-28, alleging that by letter dated May 23, 1978, FP&L refused to provide SR-1 service.

[5] In the December 30 order, the Commission indicated that a decision on the merits would be issued by June 1, 1978.

FP&L refrain from implementing the availability provisions of the SR-2 and PR tariffs and the related notice of cancellation to Homestead pending a final Commission decision.

On June 9, 1978, FP&L filed a letter with the Commission indicating that pursuant to the Commission's request contained in its June 1, 1978, order in Docket Nos. ER78-19 and ER78-81, it would provide service to the Fort Pierce Utilities Authority and to Homestead under rate schedule PR, pending action by the Commission. FP&L stated that Homestead, at its own behest, did not take power under FP&L's wholesale tariff after November 1977 until June 2, 1978.

On June 14, 1978, Commission staff filed a response to FP&L's letter. Staff asserts that FP&L implies that it is voluntarily continuing wholesale service to Fort Pierce. Staff maintains that in Docket No. ER78-342, FP&L was ordered to continue serving Fort Pierce until November 1978[6] and it would have violated the Commission's order and the Federal Power Act by not continuing service to Fort Pierce. The Commission notes that staff is correct in its observation.

Staff also states that FP&L misrepresented the Commission in its letter that Homestead did not request delivery of wholesale power until June 2, 1978. The Commission will address the allegations of FP&L's refusal to provide wholesale service to Homestead in the complaint proceeding in Docket No. EL78-28.

FP&L's submittal provides for the rendering of SR-1 service (at PR rates) at a new delivery point. Service was ostensibly contemplated to be provided for the period May 23, 1978, through June 1, 1978. FP&L has indicated that it will continue to render partial requirements wholesale service to Homestead until the Commission renders a final decision in Docket No. ER78-19 and ER78-81. Nonetheless, the Commission finds good cause to waive the notice requirements of § 35.3 of its regulations to allow FP&L's submittal to be accepted for filing as of May 22, 1978, and good cause to waive § 35.17(c) of its regulations.[7] The rates reflected in rate schedule PR have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. The Commission shall therefore suspend the proposed rates for 1 day, until May 23, 1978, when they shall become effective, subject to refund, pending the outcome of a hearing and decision thereon.

The Commission finds good cause to waive the notice requirements of section 35.15 of its regulations and accept FP&L's notice of cancellation in Docket No. ER78-400 for filing. Since FP&L's proposed cancellation has not been shown to be lawful and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful, the Commission shall suspend FP&L's notice of cancellation for 5 months or until the Commission renders a final decision in Docket Nos. ER78-19 and ER78-81 (phase I), whichever occurs first.

Due to common issues of law and fact, the Commission finds good cause to consolidate Docket Nos. ER78-395 and ER78-400 with the proceeding in Docket Nos. ER78-19, et. al. Such action will tend to conserve the time and resources of all of the parties.

The Commission finds. (1) Good cause exists to waive §§ 35.3, 35.15, and 35.17(c) of its regulations.

(2) Good cause exists to accept FP&L's submittal for filing and to suspend it for 1 day, to be deemed effective May 23, 1978, subject to refund, pending the outcome of a hearing and decision therein.

(3) Good cause exists to accept for filing and suspend FP&L's notice of cancellation for 5 months or until the Commission renders a final decision in Docket Nos. ER78-19 and ER78-81 (phase I) as hereinafter ordered and conditioned.

(4) Good cause exists to consolidate Docket Nos. ER78-395 and ER78-400 as hereinafter ordered and conditioned.

(5) Participation by Homestead in this proceeding may be in the public interest.

The Commission orders. (A) Sections 35.3, 35.15 and 35.17(c) of its regulations are hereby waived.

(B) FP&L's submittal is accepted for filing and suspended for 1 day, and is effective as of May 23, 1978, subject to refund pending the outcome of a hearing and decision thereon.

(C) FP&L's notice of cancellation in Docket No. ER78-400 is hereby suspended for 5 months or until the Commission renders a final decision in Docket Nos. ER78-19 and ER78-81 (phase I), whichever occurs first.

(D) Docket Nos. ER78-395 and ER78-400 are hereby consolidated with Docket Nos. ER78-19, et. al. for the purpose of a hearing and decision thereon.

(E) Homestead is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of Homestead shall be limited to the matters specifically set forth in its petition to intervene and *Provided, further,* That the admission of Homestead shall not be construed as recognition by the Commission that it might be aggrieved by any order issued in this proceeding.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18545 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-435]

FORIDA POWER & LIGHT CO.

Filing

JUNE 27, 1978.

Take notice that Florida Power & Light Co. (FP&L), on June 16, 1978, tendered for filing as an initial rate an executed contract, entitled "Contract for Interchange Service between City of Gainseville, Florida and Florida Power & Light Company." FP&L states that under the contract, FP&L and the city of Gainesville will engage in the interchange of electric capacity and energy indirectly through the electric transmission systems of other utilities.

FP&L requests an effective date for this contract of no later than 30 days after the date of filing. FP&L indicates that copies of the filing were served on Gainseville's.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18546 Filed 7-5-78; 8:45 am]

[6] The Commission by order issued May 31, 1973, suspended FP&L's proposed cancellation of service to Fort Pierce.

[7] Section 35.17(c) provides that a public utility may not file with a suspension period, any change in a rate schedule or part thereof continued in effect by operation of a suspension order and which was proposed to be changed by the suspended filing.

[6740-02]

[Docket No. CI78-285]

GULF OIL CORP.

Order Granting Rehearing for Purposes of Further Consideration and Granting Intervention out of Time

JUNE 7, 1978.

By letter order issued April 27, 1978, we issued a temporary certificate of public convenience and necessity to Gulf Oil Corp. (Gulf) to sell natural gas to El Paso Natural Gas Co. (El Paso). The certificate was conditioned that if any of the costs of conditioning the subject gas are included in the rates of the purchaser then the purchaser will be required to prove that these costs have not been compensated for in the applicable national ceiling rate and that this condition is subject to whatever action is taken by the Commission on rehearing in Docket Nos. CI77-412, CP77-558 and CP77-577. On May 30, 1978, El Paso filed a petition for leave to intervene out of time and an application for rehearing. This application raises objections with connection with the provision relating to costs of conditioning the subject gas.

The Commission finds. (1) Participation in this proceeding by El Paso may be in the public interest.

The Commission orders. (A) El Paso is permitted to intervene subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this docket.

(B) The application for rehearing of our letter order of April 27, 1978, filed by El Paso, is hereby granted solely for the purpose of affording further time for consideration. Since this order is not a final order on rehearing, no response to the order will be entertained by the Commission in accordance with the terms of § 1.34(d) of the Commission's rules of practice and procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18547 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ID-1848]

JOHN G. HOWARD

Application

JUNE 27, 1978.

Take notice that on June 5, 1978, John G. Howard, (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Kingsport Power Co., Public Utility.
Director, Michigan Power Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 14, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18548 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-417]

KENTUCKY UTILITIES CO.

Accepting Late Filing

JUNE 27, 1978.

On June 20, 1978, Berea College filed a "Motion to Request Timely Filing" of a petition to intervene tendered for filing on behalf of Berea College. An affidavit of a messenger is attached to the motion stating that she arrived at the third floor filing office before 5 p.m. on June 19, 1978, and found the door locked. She then went to the ninth floor office, arriving after 5 p.m., leaving the petition with a staff member in the office of the Secretary. The motion requests that the petition be accepted as timely filed. For the reasons hereinafter stated the motion is denied but the petition will be accepted for filing out of time.

Section 0.4 of the Commission's rules of practice and procedure (18 CFR 0.4) provides in pertinent part that hand-delivered documents received after regular business hours (8:30 a.m. to 5 p.m.) are deemed filed on the next regular business day. Such filings are supposed to be made in the dockets section of the Secretary's office rather than on the ninth floor. Until the adoption of that rule on October 6, 1977, filings were customarily accepted for filing well past 5 p.m., usually until 6 p.m. and occasionally as late as 9 p.m. It was found, however, that filings then were routinely filed well past normal hours, when no clerical staff is usually present. This delayed completion of other Commission work usually accomplished during those hours when the office is relatively free of visitors and telephone calls. The purpose of § 0.4 was to standardize the procedure for making filings. The rule must be strictly enforced to avoid an erosion of the procedure and a return to the prior practices.

In this particular instance, the filing office was open until 5 p.m. on June 19, 1978, to the best of the knowledge and understanding of the undersigned. The arrival of the messenger on the ninth floor after 5 p.m. is irrelevant since filings are not to be made on the ninth floor. The time consumed by the staff of the ninth floor office in explaining to the messenger why the filing would not be accepted that day further illustrates the reason for section 0.4 and the need for strict enforcement of the regulation so that its application will not have to be debated in repeated instances. In accordance with § 0.4, the motion is denied and the tendered petition is accepted out of time on June 20, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18549 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-432]

COMMONWEALTH EDISON CO. OF INDIANA, INC.

Proposed Tariff Charge

JUNE 3, 1978.

Take notice that Commonwealth Edison co. of Indiana, Inc. (Edison of Indiana), on June 16, 1978, tendered for filing proposed changes in its FERC Electric Service Tariff No. 9. Edison of Indiana indicates that the proposed change would increase the portion of output of Edison of Indiana's State Line Station to which Northern Indiana Public Service Co., one of its customers, is entitled.

The change will not result in increased revenues to Edison of Indiana and is proposed to become effective as of January 16, 1978. Edison of Indiana requests waiver of the Commission's notice requirements to allow for such an effective date.

Any person desiring to be heard or to protest said application should file

a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18550 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. RP73-17 (PGA78-4)]

GRANITE STATE GAS TRANSMISSION, INC.

PGA Rate Increase

JUNE 23, 1978.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 66 Market Street (P.O. Box 508), Portsmouth, N.H. 03801, on May 31, 1978, tendered for filing Twenty-Fourth Revised Sheet No. 3A in its FERC Gas Tariff, Original Volume No. 1, containing a proposed change in rates for effectiveness on July 1, 1978.

According to Granite State, the instant filing tracks changes in its cost of gas purchased from Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee) which Tennessee has proposed to make effective July 1, 1978, in Docket No. RP73-114. It is stated that Granite State's filing is made pursuant to the purchase gas cost adjustment provision in its tariff, approved on December 14, 1972, in Docket No. RP73-17.

Granite State further states that its revised purchased gas cost change is applicable to its sales to Northern Utilities, Inc. (Northern), which is Granite State's sole jurisdictional customer. According to Granite State, the effect of the proposed rate contained on Twenty-Fourth Revised Sheet No. 3A on Northern's purchases from Granite State is an increase of $745,075 annually, based on purchases from Tennessee and sales to Northern for the 12 months ended April 30, 1978.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18551 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-434]

NEW BEDFORD GAS & EDISON LIGHT CO.

Amendment to Transmission Agreement

JUNE 23, 1978.

Take notice that on June 16, 1978 New Bedford Gas & Edison Light Co. (New Bedford) filed an amendment to its currently effective rate schedule FERC No. 24.

By the tendered amendatory agreement, New Bedford proposes to extend the expiration date of its currently effective rate schedule FERC No. 24 from October 31, 1978, to October 31, 1979, and to revise the scheduling of the quantities of electricity to be transmitted to Vermont Electric Power Co., Inc., thereunder. New Bedford states that the proposed amendment will not affect the revenues to be received over the revised life of its rate schedule FERC No. 24.

New Bedford requests that the Commission's notice requirements be waived pursuant to § 35.11 of the Commission's regulations in order to allow said filing to become effective May 1, 1978.

Copies of this filing have been served by New Bedford upon Vermont Electric Power Co., Inc., the Massachusetts Department of Public Utilities, and the Vermont Public Service Board, according to New Bedford.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18552 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. EL78-21]

SEMINOLE ELECTRIC COOPERATIVE, INC., v. FLORIDA POWER CORP.

Extension of Time

JUNE 23, 1978.

On June 16, 1978, Florida Power Corp. (Florida Power) filed a motion to extend the time for filing an answer to the complaint filed May 8, 1978, by Seminole Electric Cooperative, Inc. (Seminole), in the above-indicated proceeding. The motion states that Seminole and Florida Power are now engaged in discussions which would moot the issues raised by the complaint and that Seminole has no objection to the extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including July 10, 1978, within which Florida Power shall answer the complaint in the above-indicated proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.78-18553 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. RI78-28]

BRIGHT & SCHIFF

Notice of Amended Petition for Special Relief

JUNE 28, 1978.

Take notice that on March 28, 1975, Bright & Schiff (Petitioner), 2355 Stemmons Building, Dallas, Tex. 75207, filed an amended petition for special relief in Docket No. RI78-28. On February 6, 1978, petitioner filed its original petition for special relief, which was noticed on March 3, 1978, requesting authorization to charge 78¢ per Mcf for the sale of gas from the N. E. Thompsonville Field, Jim Hogg and Webb Counties, to Natural Gas Gathering Co. In its amended petition for special relief petitioner seeks approval to charge the reduced price of 59.77¢ per Mcf for the sale of its gas to the above-named purchaser from the above-named field.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 21, 1978 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or

1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18628 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket Nos. CS74-285, et al.]

CENTURY PETROLEUM, LTD., ET AL.

Notice of Applications for "Small Producer" Certificates[1]

JUNE 28, 1978.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No., Date Filed and Applicant

CS74-285,[1] Jan. 12, 1978, Century Petroleum, Ltd., 1404 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS78-498, June 12, 1978, Swala Oil & Gas Corp., 5813 North Grand Blvd., Oklahoma City, Okla. 73118.
CS78-499, June 9, 1978, Martha B. Bernhard, 2511 Poplar Crest Rd., Louisville, Ky. 40207.
CS78-500, June 12, 1978, Richard W. Stump, 2309 Gulf, Midland, Tex. 79701.
CS78-501, June 12, 1978, Hogan Drilling Co., Inc., P.O. Box 648, Columbia, La. 71418.
CS78-502, June 12, 1978, Lee H. Davis, 500 McFarlin Bldg., Tulsa, Okla. 74103.
CS78-503, June 12, 1978, Barry M. Davis, 500 McFarlin Bldg., Tulsa, Okla. 74103.
CS78-504, June 12, 1978, Paxco, Inc., 245 South Terrace, Wichita, Kans. 67218.
CS78-505, June 12, 1978, George Rodman, Inc., Fifth Floor, 100 Park Ave., Oklahoma City, Okla. 73102.
CS78-506, June 12, 1978, George Rodman, Fifth Floor, 100 Park Ave., Oklahoma City, Okla. 73102.

[FR Doc. 78-18655 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP77-21]

Columbia Gulf Transmission Co., and Tennessee Gas Pipeline Co., A Division of Tenneco, Inc.

Notice of Petition To Amend

JUNE 28, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402 (a)(1) of the DOE Act.

Take notice that on June 13, 1978, Columbia Gulf Transmission Co. (Columbia Gulf), P.O. Box 683, Houston, Tex. 77001, and Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, collectively referred to as Petitioners, filed in Docket No. CP77-21 a petition to amend the order issued April 26, 1977 (57 FPC —), as amended June 20, 1977 (57 FPC —) and July 26, 1977 (58 FPC —), in said docket pursuant to section 7(C) of the Natural Gas Act so as to authorize the utilization of the delivery point near Centerville, Louisiana, (Centerville delivery point), in lieu of constructing and operating a meter station and tie-in facilities near Avery Island in Iberia Parish, La., and the establishment of three existing points, including Centerville, as exchange points to permit Columbia Gulf to receive into its East Lateral Line gas which is deliverable for its account at the terminus of the East Leg of Petitioners' jointly-owned Blue Water Project (BWP) at the Cocodrie Separation and Dehydration Plant in Terrebonne Parish, La., through the utilization of its share of the increased East Leg capacity of the BWP, as authorized at Docket No. CP76-349.

These proposals are more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that the three proposed exchange points and the daily volumes proposed to be delivered by Tennessee to Columbia Gulf as exchange gas at each point are as follows:

(1) at the Centerville delivery point, up to 170,100 Mcf of natural gas, but not less than 90,000 Mcf or such lesser total volume as Tennessee receives from Trunkline Gas Co. (Trunkline) out of Trunkline's 30-inch 313B-100 pipeline on such day;

(2) at the northern terminus of the Project 37 pipeline at the point of interconnection established on Columbia Gulf's 24-inch line in Lafourche Parish, La., (Lafourche delivery point), a total volume equal to the volume available to Tennessee in Project 37 (including volumes applicable to Southern Natural Gas Co.); and,

(3) at or near the tailgate of the Lirette Processing Plant owned by Exxon Co., U.S.A., located in Terrebonne Parish, La., (Lirette delivery point), and at other mutually agreed to existing points where gas can be delivered by or for the account of Tennessee, the remaining balance, if any, needed to deliver a total volume equal to the volume of exchange gas which Columbia Gulf has the right to deliver to

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[1]This notice does not provide for consolidation for hearing of the several matters covered herein.

[1]Applicant requests termination of small producer certificate in Docket No. CS74-285 since no sales were ever made in interstate commerce.

Tennessee at the cocodrie delivery point on such day.

The petition states that pursuant to a letter agreement dated March 30, 1978, if the daily volume to be delivered by Tennessee to Columbia Gulf at the Lafourche delivery point is less than a total volume which is the greater of (a) 80,000 Mcf or (b) 80,000 Mcf plus the difference, if any, between 90,000 Mcf and the volume to be received by Tennessee from Trunkline at the Centerville delivery point if such volume receivable is less than 90,000 Mcf on such day, then Tennessee shall have the right, and requests authorization, to deliver to Columbia Gulf at the Lirette, Lafourche and other mutually agreed to points a combined volume not exceeding such total volume as determined in (2) above.

The agreement further provides that if the combined total volume delivered by Tennessee to Columbia Gulf at Lafourche, Lirette, and Centerville exceeds the volumes delivered by Columbia Gulf to Tennessee at Cocodrie, Columbia Gulf shall return such excess volume to Tennessee at mutually agreeable existing points of interconnection. It is further stated that imbalances would be corrected within 90 days.

The petition states that the total costs for construction of the meter station and tie facilities at Avery Island would be $274,185. It is further stated that the costs related to the construction at Centerville have already been incurred by Columbia Gulf and would be borne one-half each by Columbia Gulf and Tennessee, as will the costs of operating and maintaining said facilities. The costs of installing a tap and valve necessary to connect the above facilities to its pipeline would be borne by Columbia Gulf, it is stated. The costs of installing the tap and valve necessary to connect the above facilities to Trunkline's pipeline would be borne by Tennessee, according to the petition.

Petitioners indicate that term of the agreement shall extend from its execution date to November 1, 1988, and thereafter from year to year, unless terminated by either party by 2 years prior written notice.

Any person desiring to be heard to make any protest with reference to said petition to amend should on or before July 19, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary

[FR Doc. 78-18629 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-377]

CONSOLIDATED GAS SUPPLY CORP., AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

JUNE 28, 1978.

Take notice that on June 19, 1978, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, W. Va. 26301, and Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001 (Applicants), filed in Docket No. CP78-377 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas compression facilities located in Westmoreland County, Pa., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to abandon three 550 horsepower compressor engines from service at their jointly owned 9,630 horsepower Jeannette Compressor Station, Westmoreland County, Pa. The Jeannette Compressor Station is said to be one of four compressor stations used by applicants in the operation of their Oakford Storage Pool.

Applicants state that the compressor facilities proposed to be abandoned are obsolete and no longer necessary under current operating conditions to stabilize pressure across the pool or to maintain adequate turnover of top storage gas due to the construction of the South Oakford Compressor Station.

It is indicated that the engines to be abandoned would be dismantled and any unusable components would be scrapped.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing. Kenneth F. Plumb,
Secretary.

[FR Doc. 78-18630 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ID-1463]

DONALD R. BLUM

Notice of Application

JUNE 28, 1978.

Take notice that on June 20, 1978, Donald R. Blum (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Secretary and assistant treasurer, the Cincinnati Gas & Electric Co., public utility.
Secretary and assistant treasurer, the Union Light, Heat & Power Co., public utility.
Secretary and assistant treasurer, Miami Power Corp., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18631 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-369]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 28, 1978.

Take notice that on June 9, 1978, El Paso Natural Gas Co. (applicant), P.O. Box 1492, El Paso, Tex. 79978, filed an application in docket No. CP78-369 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to Atlantic Richfield Co. (Atlantic Richfield), on an exchange basis, at existing points of receipt and delivery located on applicant's system in Eddy County, N. Mex., and Andrews County, Tex., respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that pursuant to authorization granted by order issued on August 21, 1969, in docket No. CP69-23 (42 FPC 562) as amended, applicant has continued the operation of certain existing facilities utilized for the sale and delivery to various producers having casinghead gas purchase contracts with applicant of excess return residue gas for uses associated with the production of oil and gas. One such customer, it is stated, is Atlantic Richfield, whose purchases of excess return residue gas are in excess of the equivalent amounts of casinghead quantities it sells applicant pursuant to casinghead gas contract dated February 13, 1956, as amended.

Due to the reclassification of excess return residue gas from priority 2 to priority 3 and the extensive curtailment period of total or partial curtailment of priority 3 deliveries which have occurred and are expected to continue to occur on applicant's interstate transmission system, it is stated that applicant and Atlantic Richfield have entered into a gas exchange agreement dated March 7, 1978, whereby Atlantic Richfield would undertake to utilize its own source of gas supply for assurance of reliability of a source of return residue gas required to maintain the production of oil reserves attributable to its University block 9 (Wolf camp) unit and the Emma Cowden field, all located in Andrews County, Tex. More specifically, applicant, as buyer, and Atlantic Richfield and Hondo Oil & Gas Co., as sellers, in order to effectuate the above-stated goal have entered into a gas purchase agreement dated March 7, 1978, whereby applicant has acquired a new source of supply in Eddy County, N. Mex., it is stated. The quantities delivered to applicant are to be produced from the Lechugilla Canyon unit Nos. 6 and 7 wells, the DHY State No. 1 well and the Penasco No. 1 well, all of which are connected to applicant's existing field gathering system pipeline located in Eddy County, N. Mex., it is stated. Atlantic Richfield is said to have reserved the right to receive in kind up to 25 percent of the combined production from said wells. It is further stated that Atlantic Richfield has agreed that such noncommitted quantities of in-kind takes shall be delivered to applicant under the subject gas exchange agreement, and applicant has agreed to deliver equivalent quantities of gas to Atlantic Richfield at existing delivery points located in Andrews County, Tex. The parties have also agreed, applicant asserts, that the gas exchange agreement of March 1978 shall supersede and cancel their letter agreement dated January 15, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18632 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-383]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 28, 1978.

Take notice that on June 19, 1978, El Paso Natural Gas Co. (applicant), P.O. Box 1492, El Paso, Tex. 79978, filed an application in docket No. CP78-383 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, modification, and operation of certain pipeline and compression facilities, with appurtenances, necessary to increase the capacity of applicant's existing Panoma to Dumas gas field transport system located in Carson, Gray, Hutchinson, and Moore Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that applicant is conducting an active gas acquisition effort to obtain additional natural gas supplies required by its interstate customers and to offset partially the decline in its natural gas supply which has resulted in continuous curtailment of its firm gas requirements. Applicant states that its total annual curtailment increased to 299,000,000 Mcf of natural gas in 1977 pursuant to the curtailment plan prescribed for applicant in opinion No. 634 and order issued October 31, 1972 (48 FPC 931), as clarified in opinion No. 634-A and order issued December 15, 1972 (48 FPC 1369), as revised in opinion Nos. 697 and 697-A and clarifying orders dated December 24, 1975 (54 FPC——), October 15, 1976 (56 FPC——), and June 1, 1977 (57 FPC——).

The additional supplies acquired, when taken in conjunction with corrected existing supplies, provide a total supply which exceeds the present capacity of applicant's field transport facilities extending from the producing area to its Dumas interconnection with Northern Natural Gas Co.'s (Northern) mainline system, it is indicated. The existing design capacity of applicant's Panoma to Dumas system is approximately 200,000 Mcf of natural gas per day, applicant states, and the volumes projected to be available to applicant in the Anadarko basin area of Texas and Oklahoma, are approximately 282,500 Mcf of natural gas per day by January 1, 1979, and approximately 300,000 Mcf per day by April 1979. Applicant, therefore, proposes to provide an additional field

transportation capacity of 100,000 Mcf per day in the above-named system by constructing and operating: (1) Approximately 29.1 miles of 20-inch o.d. loop pipeline between applicant's existing Panoma plant and its Getty-Shafer plant; (2) approximately 25.2 miles of 20-inch o.d. loop pipeline between applicant's existing Getty-Shafer plant and its existing Dumas plant; and (3) an additional 3,830-horsepower gas-turbine-driven centrifugal compressor unit at its Getty-Shafer plant. Applicant also proposes to modify certain of its existing compressor facilities located at its existing Panoma, Getty-Shafer, and Dumas stations and its existing check meter located at the Getty-Shafer plant. Additionally, applicant proposes to install a new check meter at its Getty-Shafer plant yard.

The cost of the proposed construction and modification is estimated at $16,961,091 by applicant, which cost, it is stated, would be financed through use of internally generated funds. Applicant further estimates the construction period required before the additional supply would be made available to be approximately four months.

It is stated that authorization of the requests here made would enable Applicant to receive and transport to its existing market areas substantial additional quantities of natural gas supplies which are available and which are projected to become available in the immediate future from the Anadarko basin area.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18633 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. RP78-17; PGA78-4a]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of PGA Rate Increase

JUNE 23, 1978.

Take notice that on June 8, 1978, Granite State Gas Transmission, Inc. (Granite State), 66 Market Street PO Box 508, Portsmouth, N.H. 03801, tendered for filing substitute 24th revised sheet No. 3A in its FERC gas tariff, original volume No. 1 containing a proposed change in rates for effectiveness on July 1, 1978. It is stated that the filing is made pursuant to the purchase gas cost adjustment provision in Granite State's tariff, approved on December 14, 1972, in docket No. RP73-17.

Granite State avers that it purchases its entire supply of natural gas from Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), under the latter's rate schedule G-6. Granite State states that it filed 24th revised sheet No. 3A on May 31, 1978, tracking proposed rate changes which Tennessee filed on May 19, 1978, for effectiveness on July 1, 1978, and that Tennessee amended its proposed July 1, 1978, rates by a further filing on May 31, 1978, pursuant to a stipulation and agreement in docket Nos. RP75-13, et al. The instant filing is made, according to Granite State, to reflect the revised rates submitted by Tennessee for effectiveness on July 1, 1978, which are applicable to Granite State's purchases.

Granite State further states that its revised purchased gas cost change is applicable to its sales to Northern Utilities, Inc. (Northern), which is Granite State's sole jurisdictional customer. According to Granite State, the effect of the proposed rate contained on substitute 24th revised sheet No. 3A on Northern's purchases from Granite State is an increase of approximately $598,798 annually, based on purchases from Tennessee and sales to Northern for the 12 months ended April 30, 1978.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18626 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP75-283, *et al.*]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Amendment to Application

JUNE 28, 1978.

Take notice that on June 16, 1978, Great Lakes Transmission Co. (applicant), 2100 Buhl Building, Detroit, Mich. 48226, filed pursuant to section 7(c) of the Natural Gas Act an amendment to its application filed in docket No. CP75-283, et al., to reflect transportation arrangements made with Great Plains Gasification Associates (Great Plains), as successor in interest to ANR Gasification Properties Co. (ANP) and PGC Coal Gasification Co. (PGC), and to reflect minor changes in its pipeline facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that on March 31, 1975, applicant filed an application for a certificate of public convenience and necessity authorizing: (1) The transportation by applicant for the account of ANG Coal Gasification Co. (Gasification Co.) from Thief River Falls, Minn., to Crystal Falls, Mich., of commingled synthetic and natural gas, which synthetic gas would be produced in a coal gasification plant to be built in Mercer County, N. Dak., and (2) the construction, modification, and operation by applicant of facilities to enable it to receive and transport such gas.

By an amendment to its application filed on May 6, 1977, applicant states, it sought to reflect the following changes: (1) Due to the proposed construction of the gasification plant in two phases, applicant would be obli-

gated to transport only 137,500 Mcf per day of commingled gas during phase I instead of the total projected amount of 275,000 Mcf per day: (2) applicant would transport half of such volumes for PGC, as coowner of the gasification plant: (3) applicant would transport the other half of such volumes for ANP's account. The transportation contracts with ANP and PGC were filed on October 20, 1977, applicant further states.

This amendment reflects the ownershp of the gasification plant in Mercer County by Great Plains, applicant asserts. The transportation agreements entered into by applicant and Great Plains are incorporated into the amendment by reference to exhibit P to the amendment to the application filed by Great Plains on June 2, 1978, in docket No. CP75-278, et al., and supersede the agreements previously filed with the Commission under exhibits P and Z-4 of applicant's application, as amended, it is said.

It is stated that the transportation agreement entered into by applicant and Great Plains are substantially similar to the previous agreements between applicant and ANP or PGC except for some changes in the rate provision which now provides for a 15-percent return on equity investment.

The changes in the transportation arrangements described above would not result in any changes in the facilities proposd by applicant, it is asserted.

Additionally, applicant proposes minor changes in the location of two segments of the 217 miles of 36-inch diameter pipeline loop by this amendment. The construction of 23.9 miles of loop was authorized by order issued December 6, 1977, in docket No. CP77-502, it is said. Since there is an overlap between the loop authorized in Docket No. CP77-502 and two segments of the loop proposed in these proceedings, applicant requests that the location of the 11.3 miles of loop between Thief River Falls compressor station (No. 2) and Shelvin compressor station (No. 3) be changed from M.P. 86.4 to M.P. 97.7 to the new location which extends from M.P. 115.3 to M.P. 126.6, and that the location of the 20.2 miles of loop between Deer River compressor station (No. 4) and the Cloquet compressor station (No. 5) be changed from between M.P. 221.4 and M.P. 253.8 to the new location which extends from M.P. 201.2 to M.P. 221.4.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 21, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18627 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket Nos. CP78-391; CP75-278; CP77-556]

GREAT PLAINS GASIFICATION ASSOCIATES, SUCCESSOR TO ANR GASIFICATION PROPERTIES CO. AND PGC COAL GASIFICATION CO. ET AL.

Notice of Filing of Amendment to Application

JUNE 28, 1978.

Take notice that on June 2, 1978, Great Plains Gasification Associates (applicant), as successor in interest to ANR Gasification Properties Co. (ANP) and PGC Coal Gasification Co. (PGC), filed pursuant to section 7(c) of the Natural Gas Act an amendment to the applications for certificates of public convenience and necessity heretofore filed by ANP and PGC in docket Nos. CP74-278 and CP77-556, respectively, which applications propose the sale in interstate commerce of commingled natural gas and synthetic gas to be produced by a proposed coal gasification plant in Mercer County, N. Dak. By this Amendment, designated docket No. CP78-391: (1) Applicant requests authority to make jurisdictional sales of volumes of commingled gas equivalent on a Btu basis to the output of the Mercer County plant, less line loss incurred in the transportation of the gas, to Columbia Gas Transmission Corp., Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), Natural Gas Pipeline Co. of America, Tennessee Gas Pipeline Co., a division of Tenneco., Inc., and Transcontinental Gas Pipe Line Corp. (the "customer pipeline companies"); (2) applicant further requests approval to restructure its rates so that the nonavailability of Federal loan guarantees, the formation of the Great Plains consortium, and the requirements of prospective lenders are reflected; (3) applicant and the customer pipeline companies request approval of revised tariff provisions, filed pursuant to § 154.38(d)(4) of the Commission's regulations under the Natural Gas Act (18 CFR 154.38(d)(4)), which would permit the customer pipeline companies to collect and pass through to their customers, on a current basis, payments made in connection with the Mercer County coal gasification plant and related facilities; and (4) it is further requested that the customer pipeline companies be authorized to sell the gass purchased from applicant on a rolled-in basis. These proposals are more fully set forth in the amendment to the application, which is on file with the Commission and open to public inspection.

The amendment shows that applicant is a consortium of companies which intends to form a general partnership whose partners would be affiliates or subsidiaries of the customer pipeline companies. The partnership would own the Mercer County coal gasification plant and would sell commingled gas equivalent to the output of the plant to the customer pipeline companies, it is stated.

Applicant states that the following terms would remain as previously proposed and described in the record in the proceedings at docket Nos. CP75-278 and CP77-556.

(1) ANG Coal Gasification Co. (ANG) would act as project administrator, subject to the control of applicant, pursuant to a project administration agreement to be filed as a supplement to this amendment.

(2) ANG would construct the coal gasification plant.

(3) The transportation of the synthetic gas from the outlet of the plant to Thief River Falls, Minn., where it would be commingled with natural gas would be performed by Great Lakes Gas Transmission Co. (Great Lakes).

(4) The commingled stream would be transported by Great Lakes through existing and proposed jurisdictional pipeline facilities to a point of interconnection with the pipeline system of Michigan Wisconsin near Crystal Falls, Mich.

Applicant proposes to sell quantities of commingled gas equivalent in heating value to the output of the gasification plant, less line loss incurred in the transportation of the gas, to the customer pipeline companies. (It is indicated that each of the aforementioned companies would be required to purchase an amount equal to 20 percent of the portion of such gas manufactured at the Mercer County plant commingled with natural gas, less 20 percent of the portion of such gas required to be sold by applicant to purchasers in North Dakota pursuant to State and Federal requirements, all this pursuant to a proposed gas purchase agreement.) It is asserted that these amounts of gas would be received at Crystal Falls for the account of the customer pipeline companies by Michigan Wisconsin and delivered to them through displacement or otherwise.

Applicant states that it is proposing rate and tariff mechanisims essential to the financing of the coal gasification project on a project financing basis; more specifically, the financing plan contemplates a 75 percent debt, 25 percent equity basis. Applicant requests approval of a full cost-of-service tariff and a construction period charge to be assessed against the customer pipeline companies. Additionally, applicant and the customer pipeline companies request approval of tariff provisions which would allow the customer pipeline companies to collect and pass through to their customers the above charges on a current basis during the construction period and the operational period, as well as a funding charge to cover interest expense and financing costs plus the return on equity and related taxes during the construction and startup periods. Finally, it is requested that the Commission allow the customer pipeline companies to sell the gas purchased from applicant on a rolled-in basis.

The full cost-of-service tariff, as proposed, would become effective upon the initial delivery of gas (the in-service date) and would include a 15 percent return on equity plus the cost of transportation services, cost of coal, and other related operational expenses, it is asserted.

The proposed construction charge would be assessed during actual construction and until the in-service date and it would allow collection of funds equal to interest and related expenses on debt plus an amount equal to the return on the equity invested and related taxes, it is indicated.

If the project is abandoned, it is proposed that collection over a 5-year period be allowed of amounts sufficient to amortize partnership debt and interest thereon, amounts required to satisfy contractual obligations and related expenses, and amounts required to permit recovery of equity invested. If the project is abandoned prior to the in-service date for reasons of technological failure or failure to complete because of cost overruns, it is not requested that a return on equity be allowed, unless such failures are due to changes in laws or regulations to which the plant was designed to comply. In the latter posited case and in all other circumstances, it is additionally requested that collection of funds equal to the amounts required to permit a 15-percent return on equity invested be allowed. In the event that the project is abandoned after the in-service date, it is stated that the charges would be collected in the same manner as in the case of precompletion abandonment.

It is stated that this project is an effort to demonstrate the viability of the proposed coal gasification technologies and to pave the way for the construction (and financing) of future plants. Additionally, it is said that this project will demonstrate that coal is a vital source of domestic supply for the future.

Not change is proposed, by this amendment, in the amount of gas the plant is designed to produce per day or the amount which would be available for sale.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 19, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed in the proceedings at docket Nos. CP75-278 and CP77-556 need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18634 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ID-1847]

JOHN T. FARNAN

Notice of Application

JUNE 29, 1978.

Take notice that on May 30, 1978, John T. Farnan (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Moreau Manufacturing Corp., public utility.

President, Moreau Manufacturing Corp., public utility.

Area general manager, Niagara Mohawk Power Corp., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 14, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18635 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket Nos. CS71-876, et al]

JONES-O'BRIEN, INC., ET AL.

Notice of Denial of Rehearing

JUNE 29, 1978.

Take notice that the Commission agreed at its meeting of June 14, 1978, to take no action on the May 22, 1978, rehearing application of Jones-O'Brien, Inc., et al., which sought rehearing of the Commission's order issued April 28, 1978, the above-docketed proceeding.

Accordingly, such application is deemed denied under § 1.34(c) of the Commission's Rules of Practice and Procedure [18 CFR 1.34(c)].

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18636 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-270]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Amendment to Application

JUNE 28, 1978.

Take notice that on June 19, 1978, Michigan Consolidated Gas Co. (applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in docket No. CP78-270, pursuant to section 7(c) of the Natural Gas Act, an amendment to its application filed in docket No. CP78-270 to conform the storage rates to be charged Columbia Gas of Ohio, Inc. (Columbia), to the rates charged other storage service customers of applicant, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that applicant filed an application on April 4, 1978, in the instant docket requesting authorization to provide certain storage services for Columbia. The application stated that applicant would charge Columbia an annual rate of $.5523 per Mcf of natural gas in the short term and an annual rate of $.4482 per Mcf in the long term pursuant to a gas storage agreement dated March 1, 1978.

By this amendment, applicant states that it has agreed to base its rates to be charged Columbia on the settlement rates approved in docket No. CP76-254 by order issued February 24,

1978. It is indicated that such action would result in an annual rate of $.4604 per Mcf of natural gas in the short term and an annual rate of $.3842 per Mcf in the long term, as provided for in an amendment to the above-mentioned storage agreement dated May 31, 1978, between applicant and Columbia.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 21, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18638 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. RP73-43 (PGA78—4)]

MID LOUISIANA GAS CO.

Notice of PGA Rate Increase

JUNE 28, 1978.

Take notice that Mid Louisiana Gas Co. (Mid Louisiana), on June 16, 1978, tendered for filing as a part of first revised volume No. 1 of its FERC gas tariff, 30th revised sheet No. 3a and alternate 30th revised sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a purchased gas cost current adjustment to Mid Louisiana's rate schedules G-1, SG-1, I-1 and E-1; that the revised tariff sheet is proposed to be effective August 1, 1978; and that the filing is being made in accordance with section 19 of Mid Louisiana's FERC gas tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served on intersted customers and state commissions.

The alternate tariff sheet was submitted so that it might become effective if the stipulation and agreement in Docket No. RP 77-58 has not received Commission approval by August 1, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18639 Filed 7-5-78; 8:45 am]

[6740-02]

[Project No. 2774]

MODESTO-TURLOCK IRRIGATION DISTRICTS, AND CITY AND COUNTY OF SAN FRANCISCO

Notice Granting Intervention

JUNE 29, 1978.

On June 9, 1977, the California Department of Fish and Game filed a timely petition to intervene respecting the application of Modesto-Turlock Irrigation Districts and city and county of San Francisco for a preliminary permit for the proposed Clavey-Wards Ferry project, FERC project No. 2774. No answer to the petition was received.

Petitioner states that the proposed project would adversely affect the already stressed Yosemite and Tuolumne deer herds. Petitioner is preparing a deer management and rehabilitation plan for the Tuolumne herd and thinks that any further range losses would defeat its attempts to rehabilitate the herd.

Petitioner further states that the proposed project would have a significant, adverse effect upon the fisheries of both the Tuolumne and Clavey Rivers. Petitioner asserts that there are no adequate means to mitigate the fishery losses that would be incurred by construction of the proposed project.

A preliminary permit, if issued, would not authorize construction of the project. It would only give the permittee, during the period of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Pursuant to section 3.5(a)(30) of the Commission's general rules, as promulgated by Order No. 557 (issued December 10, 1976), the California Department of Fish and Game is permitted to intervene in this proceeding subject to the rules and regulations of the Commission. Participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene. Admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18640 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. RP71-125]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Proposed Changes in FERC Gas Tariff

JUNE 28, 1978.

Take notice that on June 15, 1978, Natural Gas Pipeline Co. of America (Natural) tendered for filing proposed changes in its FERC gas tariff, third revised volume No. 1. Natural requests that the proposed changes become effective July 15, 1978.

Natural states that the purpose of this filing is to change Natural's procedure for filing purchase gas cost adjustments. Under Natural's current PGA tariff provision, any proposed rate change shall be filed at least forty-five (45) days prior to the effective date. But, due to the increase in the number of producer rate changes being made, the time which is required for supportive information to become available and the holidays which fall within the preparation period, Natural states that it finds it necessary to change to a forty (40) day notice period.

Natural further states that copies of this filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18637 Filed 7-5-78; 8:45 am]

[6740-02]

[Project No. 2833]

PUBLIC UTILITY DISTRICT NO. 1 OF LEWIS COUNTY, WASH.

Notice Granting Intervention

JUNE 29, 1978.

On May 30, 1978, the Washington State Department of Fisheries and the Washington State Department of Game filed petitions to intervene respecting an application filed by Public Utility District No. 1 of Lewis County, Wash., for a preliminary permit for the proposed Cowlitz Falls hydroelectric project No. 2833. The proposed project to be studied under the preliminary permit would be located on the Cowlitz River in Lewis County, Wash. No responses to the petitions have been received.

The Department of Fisheries states that it is the agency entrusted with jurisdiction over the food fish resources of the State. Fisheries states that the project would destroy salmon spawning and rearing areas, several miles of existing river sport fishing area, and an adult fish release facility which was constructed as mitigation for fisheries losses due to previous dam construction on the Cowlitz. In addition, Fisheries states that a new dam would result in fish mortality to some of the juvenile salmon planted annually in the upper Cowlitz River watershed during their migration to the ocean. Fisheries requests to be made a party to the proceeding in order to participate in the planning and conduct of studies during the preliminary permit period necessary to identify the impact of the proposed project on the fisheries resource and to assert claims for measures to avoid or mitigate losses to the resource.

The Department of Game states that it is the agency entrusted with jurisdiction over the wild animals, birds, and game fish resources of the State. Game states that the project will have deleterious effects upon wildlife, birds, and game fish by inundating areas of wildlife habitat, possibly altering migration routes, attracting new property developments, inundating of several miles of excellent trout fishery, and blocking downstream migration of fish. Game requests to be made or party to the proceeding in order to assist in developing the record for Commission consideration before it acts on the application.

It appears to be in the public interest to allow the Washington State Department of Fisheries and Department of Game to participate in this proceeding.

Pursuant to § 3.5(a)(30) of the Commission's rules of practice and procedure (rules), 18 CFR 3.5(a)(1977), as promulgated by Federal Power Commission Order No. 577 (issued December 10, 1976), the Department of Fisheries and Department of Game are permitted to intervene in this proceeding subject to the Commission's rules and regulations under the Federal Power Act. Participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene. The admission of the Intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18641 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-389]

ROCKY MOUNTAIN NATURAL GAS CO., INC.

Notice of Application

JUNE 28, 1978.

Take notice that on June 22, 1978, Rocky Mountain Natural Gas Co., Inc. (Applicant), 1600 Sherman Street, Denver, Colo. 80203, filed in Docket No. CP78-389 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 5,000 Mcf of natural gas per day with Northwest Pipeline Corp. (Northwest) and RMNG Gathering Co. (RMNG), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Northwest entered into a gas purchase contract dated December 5, 1977, with Northwest Exploration Co. (Exploration), an affiliated company of Northwest, covering the Great Divide area of Moffat County, Colo., which is remote from Northwest's existing transmission system. Consequently, in order to make the volumes of natural gas to be purchased from the Great Divide area available to its transmission system at the least possible investment, Northwest has entered into a gas transportation and exchange agreement dated February 27, 1978, as amended June 6, 1978, with applicant and RMNG, it is stated. It is indicated that such agreement provides that Northwest would deliver to applicant, during the terms of the agreement, all volumes of natural gas purchased by Northwest in the Great Divide area of Moffat County, Colo. The volumes of gas to be delivered to applicant for exchange would be gathered by Northwest in the Great Divide area, transported to the facilities of applicant and delivered at a mutually agreeable point on applicant's Big Hole gathering system in Moffat County, Colo., it is said. Applicant states that it would transport the volumes of natural gas so delivered by Northwest through its Big Hole gathering system, and that RMNG would redeliver to Northwest thermally equivalent volumes of gas at an existing point of interconnection between the facilities of RMNG and Northwest (Bar X Exchange Meter Station), in Mesa County, Colo., where RMNG and Northwest are currently authorized to exchange gas. The volumes of gas so delivered and received for exchange would be balanced on a Btu basis and such balancing would, to the extent possible, be achieved monthly, it is said. Applicant estimates that initially the total volumes of gas to be delivered by Northwest to Rocky Mountain would be approximately 1,000 Mcf per day.

The application states that Northwest would reimburse applicant for applicant's transportation costs, including a reasonable rate of return, for all costs attributable to the transportation of Northwest's gas through applicant's Big Hole pipeline, the initial transportation charge to be determined prior to the actual deliveries and to be determined in accordance with the procedures normally used in the industry. It is indicated that the initial transportation charge would be 14.3 cents per Mcf.

It is indicated that Northwest proposed to construct the gathering facilities required to gather the exchange volumes proposed herein pursuant to its current budget-type certificate issued in Docket No. CP77-507. Northwest estimates that it would be required to construct approximately 5.78 miles of 4½-inch pipe.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18642 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. CP75-376]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Notice of Petition To Amend

JUNE 28, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

Take notice that on June 14, 1978, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, filed a petition to amend the order issued December 2, 1975 in Docket No. CP68-166, et al. (54 FPC——), granting a certificate of public convenience and necessity in Docket No. CP75-376 pursuant to section 7(c) of the Natural Gas Act so as to authorize the sale of natural gas to Manchester Gas Co. (Manchester) under the terms of a proposed new gas sales contract which would provide for a higher daily volume limit (DVL) at the Manchester delivery point, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Tennessee states that it was granted authorization by the order issued December 2, 1975 to serve Manchester under Tennessee's rate schedule CD-6 in lieu of G-6 and GS-6 and to render such service with revised DVLs by delivery points. Accordingly, Tennessee states, it is now serving Manchester under rate schedule CD-6 and a gas sales contract which provides for the sale and delivery of a contracted demand of 7,570 Mcf (at 14.73 p.s.i.a.) of natural gas per day and for DVLs at the Manchester delivery point of 7,248 Mcf (at 14.73 p.s.i.a.) and at the Hooksett delivery point of 322 Mcf (at 14.73 p.s.i.a.).

Tennessee asserts that Manchester has requested by letter dated April 19, 1978, that Tennessee change the DVL for the Manchester delivery point from 7,248 Mcf (at 14.73 p.s.i.a.) to 7,570 Mcf (at 14.73 p.s.i.a.). Tennessee states that it has been advised that the higher DVL for the Manchester delivery point would allow Manchester to utilize gas at that point, which, is available and not needed at its Hooksett point and, therefore, provide Manchester with greater operational flexibility. Had Manchester been able to take gas which was available at Hooksett during the 1977-78 winter period at its Manchester point, it could have reduced its use of propane-air for peak shaving requirements by 16,096 Mcf and saved its customers $64,503.92, it is said.

Tennessee states that such a revision in the service provided to Manchester would not permit Manchester to receive any more natural gas from Tennessee than Manchester is now authorized to receive under its present gas sales contract, nor would it increase or decrease the annual volumetric limitation imposed on Tennessee's system in Opinion Nos. 712 and 712-A (in Docket Nos. CP73-115 and CP74-27). Tennessee further asserts that the change in service proposed by this petition would have no impact on its other customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 19, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18643 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-362]

WEST PENN POWER CO.

Notice of Proposed Tariff Change

JUNE 28, 1978.

Take notice that the West Penn Power Co., on June 21, 1978, tendered for filing: (1) an adoption notice covering service to the borough of Chambersburg (school connection), the borough of Mont Alto, and Metropolitan Edison Co.; and (2) a tariff designated FPC Electric Tariff Original Volume No. 2 which contained an electric service agreement dated March 15, 1978, with the borough of Chambersburg (main connection). Neither document proposes to increase the rates of the said customers, according to West Penn.

West Penn indicates that the purpose of the proposed changes is: (1) to provide for the continued service, at the same rates, to wholesale for resale customers by West Penn in the territory transferred to West Penn by its affiliate, Potomac Edison, effective January 1, 1977; and (2) to provide for a new agreement, at rates already in effect, between West Penn and the borough of Chambersburg (main connection) to supersede the agreement which was cancelled March 15, 1978.

Copies of the filing were served upon the jurisdictional customers and the Pennsylvania Public Utility Commission, according to West Penn.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18644 Filed 7-5-78; 8:45 am]

[6740-02]

[Docket No. ID-1350]

WILLIAM H. ZIMMER, JR.

Notice of Application

JUNE 28, 1978.

Take notice that on June 20, 1978, William H. Zimmer, Jr. (applicant), filed an application pursuant to sec-

tion 305(b) for the Federal Power Act to hold the following positions:

Vice President and Director, The Cincinnati Gas & Electric Co., Public Utility.
Vice President, Treasurer, and Director; The Union Light, Heat & Power Co.; Public Utility.
Vice President and Treasurer, Miami Power Corp., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18645 Filed 7-5-78; 8:45 am]

[3128-01]

Southeastern Power Administration

PUBLIC PARTICIPATION IN FORMULATION OF MARKETING POLICY

Final Procedure

AGENCY: Southeastern Power Administration, Department of Energy.

ACTION: Final procedural rule.

SUMMARY: On March 1, 1978, Southeastern Power Administration (SEPA) published in the FEDERAL REGISTER for public comment a "Proposed Procedure for Public Participation in Formulation of Marketing Policy" (43 FR 8285). The public comment period, as extended (see 43 FR 15186) continued from March 1, 1978, through April 19, 1978. SEPA also held a public forum on the proposed procedure on March 28, 1978, in Atlanta, Ga., at which time and place both written and oral presentations of views were received and transcribed. Sixty-three persons registered as participants in the public forum and SEPA in total received views and comments from 21 representatives of customers and other interested entities.

All comments received were subjected to detailed review and both the comments and review analyses are retained in SEPA files located in its headquarters offices in Elberton, Ga.

Following the review, the proposed procedure has been revised in a number of particulars, and the final procedure has been adopted by the administrator pursuant to existing delegation of authority and is hereinafter set forth.

EFFECTIVE DATE: July 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Jan Fortune, Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Ga. 30635, 404-283-3261.

SUPPLEMENTARY INFORMATION: The written procedure for public participation proposed by SEPA, where none existed before, was clearly in the nature of informal rulemaking designed to allow interested parties to present and SEPA to obtain desired public comments in an orderly, timely, and adequate manner. While cognizant of the letter and spirit of the Department of Energy Organization Act, SEPA, nevertheless, proposed the procedure without determining whether it was specifically required by the DOE organization or any other act. Rather, the need to develop more formal power marketing policy was recognized by SEPA before the DOE Organization Act became effective and the proposed procedure reflected a basic response to that need.

Most comments received could generally be classified in two categories. One category reflected recommendations that, if accepted, would effectively convert proposed informal rulemaking to more formal rulemaking of a quasi-adjudicatory nature. The other category contained recommendations believed by proponents to improve the informal procedure proposed.

Comments in the first category included such recommendations as revising the proposed procedure to require that the administrator's ultimate policy decisions reflect formal findings of fact and conclusions of law, be made in isolation under protective ex parte rule and be based solely upon an official record developed pursuant to formally structured and elongated proceedings involving elaborate service, discovery, and cross-examination rights. All comments of this nature were rejected as being inconsistent with the informal type procedure proposed and the goals sought to be accomplished through the rulemaking.

Review of recommendations included in the other category has resulted in a number of revisions in the proposed procedure. Several definitions have been clarified and several ambiguities elsewhere in the text have been eliminated. Advance notice periods have been increased from 30 to 60 days. Section 7 has been revised to assure customers and the public the right to consult and file written comments and questions outside scheduled forums and to insure comprehensive inspection and copying rights regarding relevant materials generated thereby. Also, the title to section 11 has been revised to reflect the text of the section.

The final procedure is set forth below.

Dated: June 29, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

SOUTHEASTERN POWER ADMINISTRATION

PROCEDURE FOR PUBLIC PARTICIPATION IN THE FORMULATION OF MARKETING POLICY

1. *Purpose and scope.* The purpose of this procedure is to enable individuals and organizations, public and private, whose interests will be substantially impacted by Southeastern Power Administration (SEPA) decisions or actions, to participate in development of SEPA marketing policies, as defined in the following section 2, prior to SEPA's determination of marketing policies. The procedure shall apply to marketing policy formulation, and not implementation.

2. *Definitions*—(a)—*Administrator.* The SEPA administrator, or any person acting in such capacity. The administrator may designate a SEPA employee to be responsible for any of his tasks named herein, except those specified in sections 10 and 11 which must be performed by the administrator himself.

(b) *Customer.* An entity whose interests the administrator determines will be substantially affected by the proposed marketing policy and which currently is purchasing, exchanging, transferring, assigning, or selling electric power and energy, related services, or transmission capability to, with, or from SEPA.

(c) *Marketing policy.* A policy for marketing any portion of the electric power and energy available for sale by SEPA which the administrator determines will, over an extended period of time, significantly affect or alter the manner in which SEPA implements its statutory authority to sell, exchange, otherwise dispose of, or acquire electric power and energy, or provide forced outage reserves, load factoring service, or transmission service.

(d) *Proposed marketing policy.* One under consideration for adoption as a marketing policy.

(e) *Notice.* The method by which customers and the public shall be informed of SEPA's intention to develop a marketing policy, a proposed marketing policy, a revision of a proposed marketing policy, public information and comment forums, and for adoption of a marketing policy. Notice shall be by and effective on publication in the FEDERAL REGISTER and wherever a time period is provided, the date of publication shall determine the commencement of the time period. Notice shall also be given by mail to customers and to those individuals and organizations that have requested in writing that they receive written notice regarding a proposed marketing policy or a marketing policy subject. Notice shall include the name, address, and telephone number of the person to contact if participation or further information is sought. Notices may be combined.

(f) *Public.* Any individual who, or entity which, has or could have a direct and significant interest in the SEPA marketing policy.

(g) *Staff evaluation.* A written evaluation by the SEPA staff of the written and oral

comments on a proposed marketing policy. It shall include a review of the studies used in developing a revised proposed marketing policy or marketing policy, and shall indicate revisions and reasons for them.

3. *Decision to formulate a marketng policy and notice of intent.* When the administrator decides a new or revised written marketing policy is needed, SEPA shall give notice of its intent at least 60 days prior to giving notice of the proposed marketing policy pursuant to the following section 4. SEPA shall indicate the extent that any existing policy might be revised in developing a new marketing policy. SEPA shall solicit written comments and proposals to use in formulating the proposed marketing policy.

4. *Proposed marketing policy.* SEPA shall give notice of the proposed marketing policy stating in it: The subject and purpose of and the legal authority for the proposed marketing policy and the major issues it will raise; the text of the proposed marketing policy; the date, time, and location of any public information and comment forums then scheduled; and the list of studies used in developing the proposed marketing policy and locations at which SEPA would make them available for inspection or copying in accordance with the Freedom of Information Act, 5 U.S.C. 552.

5. *Optional public information forum.* The administrator shall determine whether public information forums will be held to explain and answer questions regarding the proposed marketing policy and the studies used in its formulation. The administrator shall determine the number, if any, and locations of such forums in accordance with interest shown in the subject of the proposed marketing policy. Notice to be given in advance of any such forum shall include the purpose, date, time, place, and procedures for any such forum.

The administrator shall act as or appoint a forum chairman. Questions raised at the forum shall be answered by SEPA representatives at the forum, a subsequent forum at the same location, or expeditiously in writing. Forum proceedings shall be transcribed. All documents introduced, and questions and written answers shall be available for inspection or copying in accordance with the provisions of the Freedom of Information Act, 5 U.S.C. 552.

6. *Public comment forum.* A public comment forum shall be held to permit customers and the public to submit written comments and orally present views and proposals regarding the proposed marketing policy. Notice to be given at least 60 days in advance of the forum shall include the purpose, date, time, place, and procedures for the forum, and a statement of what studies used in developing the proposed marketing policy are available and their locations. The administrator shall determine the number and locations of such forums in accordance with interest shown in the subject of the proposed marketing policy. The administrator shall act as or appoint a forum chairman. At the start of a forum the chairman shall briefly explain procedures and rules.

Notwithstanding any additional rules or procedures it might develop, SEPA shall allow customers and the public to make oral statements and comments, introduce relevant documents, and ask questions regarding the proposed marketing policy of SEPA representatives at the forum. Persons requesting to speak shall notify SEPA at least 3 days before a forum so a list of forum participants can be prepared. The chairman may establish time limitations for oral presentations by these participants to assure that all who register to speak shall have an opportunity to do so. Others will be permitted to speak if time allows. Those unable to speak because of time limitations and others who so desire may submit written comments. The chairman may question forum participants and, at his discretion, permit SEPA representatives and other participants a like privilege.

Questions not answered during a forum shall be responded to in writing no later than the effective date of the notice of either a revised proposed marketing policy as provided in the following section 9 or, if a revised proposed marketing policy is not developed, the marketing policy as provided in the following section 10. Forum proceedings shall be transcribed. All documents introduced and written answers to questions shall be available for inspection and copying in accordance with the Freedom of Information Act, 5 U.S.C. 552.

7. *Consultation and comment period.* Customers and the public may consult or file written comments and questions with SEPA regarding its proposed marketing policy until 15 days after the last public comment forum. All such questions shall receive expeditious response but in no instance later than the deadline established in the last paragraph of section 6. All such comments, questions and answers shall be available for inspection or copying in accordance with the Freedom of Information Act, 5 U.S.C. 552.

8. *Staff evaluation.* Following the consultation and comment period, SEPA shall prepare a staff evaluation.

9. *Revised proposed marketing policy and review period for revised proposed marketing policy.* If appropriate, SEPA shall develop a revised marketing policy following the staff evaluation and give notice of the revision and any studies used in developing the revised proposed marketing policy not available at the date of the initial public comment forum. Customers and the public shall be given at least 60 days from the effective date of notice of the revised proposed marketing policy to submit written comments to SEPA before the administrator adopts, modifies and adopts, or rejects the revised proposed marketing policy.

10. *Final marketing policy issued.* Following the staff evaluation the administrator shall decide whether to adopt, modify and adopt, or reject the marketing policy. The administrator shall issue an explanation of the decision which shall include the purpose of and the legal authority for the marketing policy, the reasons for the policy, and the primary objections to the proposed power marketing policy submitted by customers or the public with brief explanations for rejecting those objections. SEPA shall give notice of the marketing policy adopted. It shall become effective either on the date of notice or at a later date specified by the administrator.

11. *Interim marketing policy implementation under extraordinary circumstances.* If the administrator determines prior to initiation or completion of the foregoing procedure that a delay in implementing a marketing policy will adversely affect SEPA, its customers, or the public, the administrator may implement the marketing policy on an interim basis until this procedure is completed.

[FR Doc. 78-18585 Filed 7-5-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 922-5; PP 6G1744/T154]

N-[[(4-Chlorophenyl)amino] carbonyl]-2,6-difluorobenzamide

Renewal of Temporary Tolerances

On June 11, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 23753) that in response to a pesticide petition (PP 6G1744) submitted to the Agency by Thompson-Hayward Chemical Co., 5200 Speaker Road, Kansas City, Kans. 66110, temporary tolerances were established for residues of the insecticide *N*-[[(4-chlorophenyl)amino] carbonyl]-2,6-difluorobenzamide in or on the raw agricultural commodities cottonseed at 0.2 part per million (ppm) and in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. These temporary tolerances expired June 7, 1977.

Thompson-Hayward Chemical Co. has requested a 1-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that is being renewed concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific date reported and all other relevant material have been evaluated. The subject insecticide is a candidate for a rebuttable presumption against registration (RPAR) having exceeded the trigger described in 40 CFR 162.11(a)(3)(ii)(A). Consequently, a risk assessment was conducted. The risk estimates were calculated using a linear model which assumes that there is a relationship between exposure of a substance and the incidence of tumors. The linear model produced a lifetime risk estimate for developing tumors. Based on the treatment of 2,590 acres of cotton (unopened bolls only) with the subject pesticide at no more that 18 ounces of active ingredient per acre per year, it has been determined that the proposed tolerances will not pose a significant health hazard and will protect the public health.

Therefore, the temporary tolerances are renewed on condition that the pesticide is used as noted in the previous paragraph in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Thompson-Hayward Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire June 28, 1979. Residues not in excess of 0.2 ppm remaining in or on cottonseed and 0.05 ppm remaining in eggs, milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquired conerning this notice may be directed to Special Registration Branch, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

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

Dated: June 28, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-18584 Filed 7-5-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20271]

INQUIRY RELATIVE TO PREPARATION FOR A GENERAL WORLD ADMINISTRATIVE RADIO CONFERENCE

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing comments and reply comments.

SUMMARY: The Federal Communications Commission extends the time for filing comments and reply comments in an inquiry relating to preparation for a General World Administrative Radio Conference. The additional time is needed for parties to review relevant matters.

DATES: Date for comments: On or before July 14, 1978. Date for reply comments: On or before August 4, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Edward R. Jacobs, International Conference Staff, Office of Chief Engineer, 202-632-7067.

In the matter of an inquiry relative to preparation for a General World Administrative Radio Conference of the International Telecommunication Union to consider revision of the International Radio Regulations, Docket 20271.

ORDER EXTENDING TIME FOR FILING OF COMMENTS AND REPLY COMMENTS

Adopted: June 26, 1978.

Released: June 27, 1978.

1. On April 18, 1978 the Commission adopted the Eighth Notice of Inquiry in the above entitled proceeding (43 FR 18748). The date for filing comments was established as June 30, 1978, and the reply comments date was July 21, 1978.

2. On June 19, 1978, a petition was filed on behalf of the American College of Physicians, the Catholic Television Network, Citizens Communications Center, the National Black Media Coalition, National Council of Churches, National Instructional Council, Public Interest Satellite Association, United Church of Christ, and the United Negro Fund (District of Columbia Office) seeking to extend the comment deadline until August 14, 1978. No motion was made in respect to the reply comment.

3. On June 20, 1978, a petition was filed on behalf of the Corporation for Public Broadcasting seeking to extend the comment deadline until July 31, 1978. Again, no motion was made in respect to the reply comment.

In seeking the extension of time for filing comments, both parties indicate the necessity for additional time to review relevant matters. The Corporation for Public Broadcasting indicates they are "engaged in collecting and analyzing important empirical data which could significantly affect several of the issues."

5. Because of the complexity of the issues in this proceeding, and while we are disposed to extend the date for filing of comments, we must once again remind all parties of the time constraints outlined by the International Telecommunication Convention in respect to the submission of proposals to administrative radio conferences. Further, we hope to release a final Notice of Inquiry in this proceeding during the early fall of this year. In recognition of these constraints, any unduly lengthy extensions of time for filing comments cannot be countenanced.

6. Nevertheless, we believe on extension of two weeks for comments and reply comments could be accomplished without severe impact upon our already tight schedule. Therefore, we will extend the time for filing comments and reply comments to July 14, 1978, and August 4, 1978, respectively.

Accordingly, it is ordered, That the subject petitions, to the extent herein specified, are granted.

FEDERAL COMMUNICATIONS COMMISSION,
RAYMOND E. SPENCE,
Chief Engineer.

[FR Doc. 78-18586 Filed 7-5-78; 8:45 am]

[6712-01]

FM AND TV TRANSLATOR

Applications Ready and Available for Processing Pursuant to Section 1.572(c) and 1.573(d) of the Commission's Rules

Adopted: June 16, 1978.

Released: June 27, 1978.

By the Chief, Broadcast Bureau.

Notice is hereby given pursuant to §§1.572(c) and 1.573(d) of the Commission's Rules, that on August 16, 1978, the TV and FM translator applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to §1.227(b)(1) and §1.519(b) of the Commission's Rules, and application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 15, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on August 15, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to §1.573(d) of the Commission's Rules.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3581 (new), Pawnee City, Nebr., Nebraska Educational Television Commission. Req: Channel 33, 584-590 MHz, 1000 watts. Primary: KUON-TV, Lincoln, Nebr.

BPTT-3589 (new), Milton-Freewater, Oreg., State of Oregon acting by and through the State Board Of Higher Education. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KTVR-TV, La Grande, Oreg.

BPTT-3590 (new), Pendleton & Eastern Umatilla County, Oreg., State Of Oregon acting by and through the State Board Of Higher Education. Req: Channel 59, 740-746 MHz, 100 watts. Primary: KTVR-TV, La Grande, Oreg.

BPTT-3591 (new), Wallow, Oreg., State Of Oregon acting by and through the State Board Of Higher Education. Req: Channel 59, 740-746 MHz, 10 watts. Primary: KTVR-TV, La Grande, Oreg.

BPTT-3592 (new), Enterprise, Oreg., State Of Oregon acting by and through the State Board Of Higher Education. Req: Channel 61, 752-758 MHz, 100 watts. Primary: KTVR-TV, La Grande, Oreg.

BPTT-3593 (new), San Luis Obispo, Morro Bay, Paso Robles, Calif., Key Television, Inc. Req: Channel 57, 728-734 MHz, 100 watts. Primary: KEYT-TV, Santa Barbara, Calif.

BPTT-3594 (new), Royal City, Othello, Warden & Moses Lake Area, Wash., Peoples TV Association, Inc. Req: Channel 57, 728-734 MHz, 100 watts. Primary: KSPS-TV, Spokane, Wash.

BPTT-3600 (new), Keokuk & Surrounding Area, Iowa, State Educational Radio and Television Facility Board. Req: Channel 44, 650-656 MHz, 100 watts. Primary: KIIN-TV, West Branch, Iowa.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-6096 (new), Reno, Stead and Sun Valley, Nev., Washoe County School District. Req: Channel 5, 76-82 MHz, 100 watts. Primary: KVIE-TV, Sacramento, Calif.

BPTTV-6097 (new), Issaquah, Mirrormont, Wash., Television Reception District No. 2 of King County. Req: Channel 3, 60-66 MHz, 10 watts. Primary: KCTS-TV, Seattle, Wash.

BPTTV-6098 (new), Issaquah, Mirrormont, Wash., Television Reception District of King County. Req: Channel 10, 192-198 MHz, 10 watts. Primary: KIRO-TV, Seattle, Wash.

BPTTV-6099 (new), Ontario, Vale, Nyssa and Adrian, Oreg., State of Oregon acting by and through the State Board of Higher Education. Req: Channel 9, 186-192 MHz, 100 watts. Primary: KTVR-TV, La Grande, Oreg.

BPTTV-6100 (K07BL), Randolph and farm area north of Randolph, Utah, Norris County TV, Inc. Req: Change frequency to Channel 13, 210-216 MHz., change primary TV station to KUTV, Channel 2, Salt Lake City, Utah.

BPTTV-6101 (K09BA), Randolph and farm area north of Randolph, Utah, Norris County TV, Inc. Req: Change primary TV station to KTVX, Channel 4, Salt Lake City, Utah.

BPTTV-6102 (K11BF), Randolph and farm area north of Randolph, Utah, Norris County TV, Inc. Req: Change primary TV station to KSL-TV, Channel 5, Salt Lake City, Utah.

BPTTV-6103 (new), Baker, Calif., Baker Community Services District. Req: Channel 6, 82-88 MHz, 10 watts. Primary: KVVU-TV, Henderson/Las Vegas, Nev.

BPTTV-6108 (new), Sedalia, Dresden and Georgetown, Mo., Mid America Television Co. Req: Channel 11, 198-204 MHz, 10 watts. Primary: KRCG-TV, Jefferson City, MO.

BPTTV-6104 (new), Gillette, Wyo., Duhamel Broadcasting Enterprises. Req: Channel 6, 82-88 MHz, 10 watts. Primary: KSGW-TV, Sheridan, Wyo.

BPTTV-6105 (K05CF), Weaverville, Calif., Weaverville Translator Co., Inc. Req: Add Douglas City and Junction City, Calif., to present principal community, increase output power to 10 watts.

BPTTV-6107 (new), Ranch Headquarters, 18 miles north of Johnstown, Nebr., Baxter Cattle Co. Req: Channel 13, 210-216 MHz, 1 watt. Primary: KPRY-TV, Pierre, S. Dak.

FM TRANSLATOR APPLICATIONS

BPFT—524 (new), Gouverner, N.Y., Good News Translator Association. Req: Channel 261, 100.1 MHz, 1 watt. Primary: WMHR-FM, Syracuse, N.Y.

BPFT—525 (new), Colorado Springs, Colo., Temple Baptist Church. Req: Channel 204, 88.7 MHz, 10 watts. Primary: KWBI-FM, Morrison, Colo.

BPFT—526 (new), Laguna Beach, Calif., Mount Wilson FM Broadcasters, Inc. Req: Channel 224, 92.7 MHz, 1 watt. Primary: KBCA-FM, Los Angeles, Calif.

BPFT—527 (new), Kadoka, S. Dak., Sturgis Radio, Inc. Req: Channel 280, 103.9 MHz, 1 watt. Primary: KRCS-FM, Sturgis, S. Dak.

BPFT—528 (new), Cherokee Village and Hidden Valley, Ark., Pau L. Lierman. Req: Channel 265, 100.9 MHz, 10 watts. Primary: WEZI-FM, Memphis, Tenn.

BPFT—529 (new), Edgemont, S. Dak., James E. Taylor. Req: Channel 221, 92.1 MHz, 1 watt. Primary: KGGG-FM, Rapid City, S. Dak.

BPFT—530 (new), Belle Fourche, S. Dak., James E. Taylor. Req: Channel 237, 95.3 MHz, 1 watt. Primary: KGGM-FM, Rapid City, S. Dak.

BPFT—531 (new), Camden, Dover, Wyoming, Woodside, Magnolia, Willow Grove, Dover AFB, Del., Faith Community Church. Req: Channel 261, 100.1 MHz, 1 watt. Primary: WRBS-FM, Baltimore, Md.

BPFT—532 (W244AA), Wisconsin Rapids, Wis., Wisconsin Rapids N.A.E. Req: Add Port Edwards and Nekoosa to present principal community, increase output power to 10 watts.

[FR Doc. 78-18671 Filed 7-5-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[Docket No. R-0167]

FEDERAL RESERVE BANKS

Regulations Relating to Branches

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: The Board of Governors has revised its regulations relating to branches of Federal Reserve banks to bring the section concerning branch directors into conformity with revisions relating to reserve bank directors in the Federal Reserve Reform Act of 1977.

EFFECTIVE DATE: June 21, 1978.

FOR INFORMATION CONTACT: Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3257.

Effective June 21, 1978, section 3 of the regulations relating to branches of Federal Reserve banks is amended as follows:

Section 3—*Directors.* * * *

(b) Directors shall be selected without discrimination on the basis of race, creed, color, sex, or national origin. The directors appointed by the Federal Reserve banks shall be persons who meet the personal and occupational qualifications of class A or B head office directors. The directors appointed by the Board of Governors shall be persons who meet the personal and occupational qualifications of class C head office directors, except that Board-appointed branch directors may be stockholders in commercial banks and bank holding companies. No director of a Federal Reserve bank shall serve as a director of a branch of the bank during his or her service as a director of the Federal Reserve bank. All directors shall be citizens of the United States and shall reside or have principal occupational interest within the territory served by the branch.

* * * * *

Board of Governors of the Federal Reserve System, June 26, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-18572 Filed 7-5-78; 8:45 am]

[4110-92]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

MEETING

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress, on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Council will hold a meeting on July 25 from 2 p.m. to 5 p.m., Room 2008, New Executive Office Building, 17th and H Street NW., Washington, D.C. 20503, on July 26 and July 27 from 9:30 a.m. to 5 p.m., Room 303A and 305A, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, and on July 28 from 9:30 a.m. to 12:30 p.m., Room 503A and 507A, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

The agenda on July 25 will consist of an orientation session for new members. On succeeding meeting days the agenda will include discussion of the FCA role, mission, and accomplishments; FCA 1978 plan; FCA organization procedures; discussion of report of the Secretary's Committee on Mental Health and Illness of the Elderly.

Status statements will be given on FCA studies on assets, minority elderly, the frail elderly, and health manpower. A schedule of future FCA activities will be considered.

Remarks will be made to the Council by Dr. Arthur S. Flemming, Chairman, U.S. Civil Rights Commission, Dr. Robert L. Ringler, Deputy Director, National Institutes on Aging, and Mr. Robert C. Benedict, Commissioner, Administration on Aging.

Further information on the Council may be obtained from the FCA Secretariat, Federal Council on the Aging, Washington, D.C. 20201, telephone 202-245-0441. FCA meetings are open for public observation.

NELSON H. CRUIKSHANK,
Chairman, Federal Council on the Aging.

JUNE 29, 1978.

[FR Doc. 78-18614 Filed 7-5-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CHER-AE HEIGHTS INDIAN COMMUNITY OF THE TRINIDAD RANCHERIA

Revocation of Plan for the Distribution of Assets and of Continuance of Federal Trust Relationship

MAY 15, 1978.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM2, and in the exercise of the reassigned authority to the Sacramento area director, by the Acting Deputy Commissioner by memorandum dated July 6, 1977, to handle rancheria restoration matters.

The membership of the Cher-Ae Heights Indian Community named herein, who were determined to hold rights, claims or interests in the Trinidad Rancheria, Humboldt County, Calif., under a plan of distribution of assets drafted pursuant to the Act of August 18, 1958 (72 Stat. 619) and accepted January 20, 1967, submitted a petition on January 23, 1975, executed by a majority of the distributees, requesting that the Secretary of the Interior issue a revocation of the plan of distribution of assets. Therefore, the plan for the distribution of assets of Trinidad Rancheria is hereby revoked.

All individuals affected by the revocation of the plan for distribution of assets are eligible for all services performed by the Federal Government for Indians because of their status as Indians and are subject to all statutes which affect Indians because of their status as Indians. Those individuals include the following persons:

Name	Birthdate	Address
Juanita June Letson	Nov. 25, 1927	P.O. Box 358, Trinidad, Calif. 95570
Vera Weatherford	June 24, 1934	P.O. Box 186, Trinidad, Calif. 95570
Myra Ortega	Sept. 21, 1929	P.O. Box 395, Trinidad, Calif. 95570
Glenn Quinn, Jr., son	Oct. 26, 1948	Do
Gary Quinn, son	Dec. 10, 1951	Do
Gaylon Rindels, son	July 21, 1954	Do
Carol Ann Ervin	Jan. 11, 1941	P.O. Box 560, Trinidad, Calif. 95570
William Crutchfield	Mar. 28, 1934	P.O. Box 342, Willow Creek, Calif. 95573
Tracy L. Crutchfield, daughter	Feb. 28, 1964	Do
Carleen L. Crutchfield, daughter	Aug. 21, 1965	Do
George Williams (deceased) DOD: Aug. 8, 1977	Oct. 23, 1904	See heir (son)
Julius Aubrey (heir)	July 14, 1944	P.O. Box 525, Trinidad, Calif. 95570
Betty (Christensen) Najmon	Dec. 20, 1907	P.O. Box 15, Trinidad, Calif. 95570
Eva Jean Ducan	July 28, 1937	P.O. Box 85, Trinidad, Calif. 95570
Fred Lamberson, Jr	Oct. 2, 1936	P.O. Box 323, Trinidad, Calif. 95570
Fred K. Lamberson, son	Mar. 6, 1959	Do
Wendy L. Lamberson, daughter	Dec. 29, 1961	Do
Theodore James	Sept. 16, 1901	P.O. Box 333, Trinidad, Calif. 95570
Mayme Keprasis	Feb. 28, 1905	P.O. Box 301, Trinidad, Calif. 95570
Henry Hancorne, Jr	Apr. 9, 1919	P.O. Box 307, Trinidad, Calif. 95570
Lillian Quinn (deceased) DOD: Apr. 1, 1978	Jan. 14, 1897	See heir (son)111Herman Quinn (heir)
	Mar. 19, 1924	P.O. Box 537, Trinidad, Calif. 95570
Harry John Walker	Apr. 11, 1928	P.O. Drawer AP, Trinidad, Calif. 95570
Cornelia Jean Walker	June 21, 1927	Do
John Eugene Walker, son	June 28, 1948	Do
Joannie Jo Walker, daughter	Mar. 30, 1951	Do
Larry Layne Walker, son	Dec. 29, 1953	Do
Rose Joy Sundberg	Mar. 25, 1932	P.O. Drawer AV, Trinidad, Calif. 95570

WILLIAM E. FINALE,
Area Director.

[FR Doc. 78-18460 Filed 7-5-78; 8:45 am]

[4310-84]

Bureau of Land Management

[W-64310]

WYOMING

Application

JUNE 26, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla. filed an application for a right-of-way to construct a 4½ inch pipeline and related anode facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 93 W.,
sec. 34, S½SE¼.

The proposed pipeline with appurtenant anode facilities will transport natural gas from a point in the SW¼SW¼ of sec. 35 T. 21 N., R. 93 W., in a southwesterly direction to a point of connection with Cities Service Gas Co.'s existing gathering line in the SW¼SE¼ of sec. 34, T. 21 N., R. 93 W., 6th P.M., 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, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18616 Filed 7-5-78; 8:45 am]

[4310-84]

[W-59097-Amendment]

WYOMING

Application

JUNE 22, 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 Mountain Fuel Supply Co., of Salt Lake City, Utah, filed an amended application for a right-of-way to construct a 10¾ inch O.D. pipeline for the purpose of transporting

natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 111 W.,
sec. 5, Lots 6, 7 and S½NW¼;
sec. 6, SE¼NE¼, E½SE¼;
sec. 7, E½NE¼, N½SE¼;
sec. 18, W½E½, SE¼SW¼.
T. 23 N., R. 111 W.,
sec. 32, S½SE¼;
sec. 33, SE¼NW¼, N½SW¼, SW¼SW¼.

The pipeline will tie in with a compressor plant to be operated by Panhandle Eastern in sec. 33, T. 23 N., R. 111 W., and will transport gas from that point to a point of connection with Mountain Fuel's pipeline right-of-way in sec. 19, T. 22 N., R. 111 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 186 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18617 Filed 7-5-78; 8:45 am]

[4310-84]

[W-64309]

WYOMING

Application

JUNE 26, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla. filed an application for a right-of-way to construct a 4½ inch pipeline and related anode facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 16 N., R. 95 W.,
sec. 10, N½N½ and SE¼NE¼.

The proposed pipeline with appurtenant anode facilities will transport natural gas from a point in the SE¼NW¼ of sec. 11 to a point of connection with Cities Service Gas Co.'s existing pipeline in the NW¼NW¼ of sec. 10 in T. 16 N., R. 95 W., 6th P.M., 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, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.78-18618 Filed 7-5-78; 8:45 am]

[4310-53]

Office of Surface Mining Reclamation and Enforcement

ADVISORY COMMITTEE ON MINING MINERAL RESOURCES RESEARCH

Initial Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) and the Office of Management and Budget's Circular No. A-63, Revised.

The Advisory Committee on Mining and Mineral Resources Research will meet from 9 a.m. to 5 p.m (or completion of business) on July 17 and 18, 1978, in Room 7000A and B, Department of the Interior, 18th and C Streets NW., Washington, D.C.

The meeting will deal with the following principal subjects:

1. Opening statement—Director Walter N. Heine.
2. Description of functions and role of the Advisory Committee—Assistant Director David R. Maneval.
3. Evaluation of potential institutions and recommendations for designation by the Director as Mineral Institutes.
4. Review of candidate research projects for submission to the Mineral Institutes.
5. Policies, responsibilities and future activities of the Advisory Committee.

The meeting of this Committee is open to the public. Approximately 75 visitors can be accomodated on a first-come, first-serve basis. Written statements concerning the subjects are welcome.

Visitors who except to attend should make this known no later than July 14 to:

David R. Maneval, Assistant Director—Technical Services and Research, Office of Surface Mining, Room 114, South Interior Building, 18th and C Streets NW., Washington, D.C. 20240; phone 202-343-4264.

Dated: June 29, 1978.

DAVID R. MANEVAL,
Assistant Director, Technical Services and Research.

[FR Doc. 78-18657 Filed 7-5-78; 8:45 am]

[4310-10]

Office of the Secretary

[Order No. 3009, Amdt. No. 2]

SELECTED GOVERNOR AND LIEUTENANT GOVERNOR OF AMERICAN SAMOA

By Senate Concurrent Resolution No. 73 of March 31, 1978, the Legislature of American Samoa requested the Secretary to amend Order No. 3009 to provide that the Attorney General be selected and appointed as prescribed in the laws of American Samoa, i.e., appointed by the Governor and subject to confirmation by the Legislature (ASC 12 (c) (§1 of Pub. L. 15-23). Therefore, section 4, Attorney General of American Samoa, of Secretary's Order No. 3009, as added by Amendment No. 1 dated November 3, 1977, is rescinded.

Effective date. This Amendment is effective immediately.

Its provisions will remain in effect until amended, superseded, or revoked, whichever occurs first.

Dated: June 27, 1978.

JAMES A. JOSEPH,
Acting Secretary of the Interior.

[FR Doc. 78-18615 Filed 7-5-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

Investigation No.337-TA-51]

CERTAIN CIGARETTE HOLDERS

Prehearing Conference and Hearing

Notice is hereby given that a Prehearing Conference will be held in connection with the above styled investigation at 10 a.m. on August 15, 1978, in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C. No discovery will be obtained subsequent to August 1, 1978. On or before August 8, 1978, the parties will have completed service of Prehearing Conference Statements, the contents of which shall be the subject of a subsequent order. The purpose of this Prehearing Conference is to review such statements, complete the exchange of exhibits, and resolve any other necessary matters in preparation for the hearing.

Notice is also given that the Hearing in this proceeding will commence at 10 a.m. on August 16, 1978, in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C., or at 10 a.m. on a date as soon after as practicable, and will continue daily until completed. Counsel shall be ready to proceed on August 16, 1978, subject to at least 48 hour advance

oral notification of the hearing's commencement.

The Secretary shall serve a copy of this notice upon all parties of record, and shall publish this notice in the FEDERAL REGISTER.

Issued June 29, 1978.

JUDGE DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-18690 Filed 7-5-78; 8:45 am]

[7020-02]

[AA1921-184]

PORTLAND HYDRAULIC CEMENT FROM CANADA

Investigation and Hearing

Having received advice from the Department of the Treasury on June 23, 1978, that portland hydraulic cement from Canada is being, or is likely to be, sold at less than fair value, the United States International Trade Commission on June 29, instituted investigation No. AA1921-184 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. For purposes of Treasury's determination, the term "portland hydraulic cement" refers to portland hydraulic cement, other than white non-staining.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Wednesday, July 26, 1978. All persons shall have the right to appear in person or by counsel, to present evidence and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, shall be filed with the Secretary of the Commission, in writing, not later than noon, Friday, July 21, 1978.

By order of the Commission.

Issued: June 30, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-18691 Filed 7-5-78; 8:45 am]

[3510-12]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

JULY 3, 1978.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App I (Supp V, 1975), notice is hereby given that the National Advisory Committee on Oceans and Atomosphere (NACOA) will hold a meeting Thursday and Friday, July 20-21, 1978, These sessions, open to the public, will be held in the Main U.S. Department of Commerce Building, 14th and E Streets NW., Washington, D.C., and will begin at 9 a.m. on both days. The Thursday session will be held in Room 4830, and Friday's session will take place in Room 6802.

The Committee, consisting of 18 non-Federal members, appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by the Congress by Public Law 95-63, on July 5, 1977. Its duties are to: (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or the Congress.

The agenda will include the following topics:

July 20, 1978—Room 4830

0900 Opening remarks—Chairman, NACOA.
0915 Considerations regarding Federal Organization for Marine and Atmospheric Affairs—Mr. Marne Dubs; other speakers to be announced.
1700 Adjourn.

July 21, 1978—Room 6802

0900 Opening remarks—Chairman, NACOA.
0915 U.S. Fishery Export Initiatives—Use of unexploited species—NMFS speaker to be announced.
1030 Work sessions.
Ocean Use Panel (Room 6802)—Dr. Evelyn Murphy, Panel Chairman.
Coastal Zone Legislation R. & D. Panel (Room 5611)—Dr. John Knauss, Panel Chairman.
Progress reports.
1600 Adjourn.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the perogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW. (Room 434, Page No. 1), Washington, DC 20235. The telephone number is 254-8418.

Dated: July 3, 1978.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 78-18717 Filed 7-5-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 78-27]

APPLICATIONS STEERING COMMITTEE, SUPPORTING RESEARCH AND TECHNOLOGY AD HOC ADVISORY SUBCOMMITTEE

Establishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the General Services Administration, the National Aeronautics and Space Administration has determined that establishment of the Applications Steering Committee, Supporting Research and Technology Ad Hoc Advisory Subcommittee is in the public interest and in connection with the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of Government employees. The subcommittee will comprise membership from both the public and private sectors.

The intent of this Advisory Subcommittee is to obtain the advice of the scientific community in evaluating proposals for inclusion in NASA's Space and Terrestrial Applications Supporting Research and Technology Program.

Dated: June 28, 1978.

EDWARD Z. GRAY,
Acting Associate Administrator for External Relations.

[FR Doc. 78-18598 Filed 7-5-78; 8:45 am]

[4410-01]

NATIONAL COMMISSION FOR THE REVIEW OF ANTITRUST LAWS AND PROCEDURES

PUBLIC HEARING AND MEETING

Change of Location

Notice is hereby given that the National Commission for the Review of Antitrust Laws and Procedures (hereinafter "Commission") in accordance

with Executive Order 12022 and section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will hold public hearings on July 11, 12, and 13, 1978 as previously noticed in FR Doc. 78-15693 (June 6, 1978) and FR Doc. 78-16896 (June 19, 1978) but the location of the hearings on July 11 and 12 is changed to Room 1318, Dirksen Senate Office Building, 1st and Constitution Avenue NE., Washington, D.C. The hearings on July 13 remain scheduled for Room 2228 of the Dirksen Senate Office Building.

For an explanation of the purpose of these hearings reference is made to the FEDERAL REGISTER notices indicated above. Those prior notices also set forth information relating to submissions to the Commission and requests to appear before it.

Dated: June 30, 1978.

TIMOTHY G. SMITH,
Staff Director.

[FR Doc. 78-18648 Filed 7-5-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEES ON THE GENERAL ELECTRIC TEST REACTOR (GETR) AND EXTREME EXTERNAL PHENOMENA

Meeting

The ACRS Subcommittees on the General Electric Test Reactor (GETR) and Extreme External Phenomena will hold a meeting on July 21-22, 1978, at the Holiday Inn/Airport, 245 South Airport Boulevard, San Francisco, Calif. 94080, to review matters related to the seismicity of the GETR site and the structural design of the GETR plant. Notice of this meeting was published in the FEDERAL REGISTER on June 16, 1978 (43 FR 26162).

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977 (42 FR 56972), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

FRIDAY, JULY 21, 1978

2 p.m. until the conclusion of business.

SATURDAY, JULY 22, 1978

8:30 a.m. until the conclusion of business.

The subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the executive session, the subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, the General Electric Co., and their consultants, pertinent to the above topics. The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full committee.

In addition, it may be necessary for the subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with section 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Richard P. Savio, telephone 202-634-1374, between 8:15 a.m. and 5 p.m. e.d.t.

Dated: June 29, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-18576 Filed 7-5-78; 8:45 am]

[7590-01]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 49 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the Licensee), which revised the technical specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebr. The amendment is effective as of the date of issuance.

The amendment provides new limiting conditions of operation for the secondary containment integrity.

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 26, 1977 as supplemented June 27, 1978, (2) amendment No. 49 to license No. DPR-46, 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 Auburn Public Library, 118 15th Street, Auburn, Nebr. 68305. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 28th day of June 1978.

BRIAN K. GRIMES,
Assistant Director for Engineering and Projects, Division of Operating Reactors.

[FR Doc. 78-18597 Filed 7-5-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.8, Revision 3, "Information Relevant to Ensuring

that Occupational Radiation Exposures at Nuclear Power Stations Will Be As Low As Is Reasonably Achievable," provides information relevant to attaining goals and objectives for planning, designing, constructing, operating, and decommissioning a light-water reactor nuclear power station to meet the criterion that explosure of station personnel to radiation during routine operation of the station will be "as low as is reasonably achievable" (ALARA). This guide was revised as the result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 26th day of June 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 78-18580 Filed 7-5-78; 8:45 am]

[7590-01]

[Docket Nos. 50-259, 50-260 and 50-296]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 39 to Facility Operating License No. DPR-33, amendment No. 37 to Facility Operating License No. DPR-52, and amendment No. 13 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised technical specifications for operation of the Browns Ferry Nuclear Plant, unit Nos. 1, 2, and 3 (the facility) located in Limestone County, Ala. The amendments are effective as of the date of issuance.

These amendments change the technical specifications to reflect modifications to the inplant electrical system to provide adequate inplant voltages for three unit operation under all required postulated transient and accident conditions.

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 May 17, 1978, (2) amendment No. 39 to license No. DPR-33, amendment No. 37 to license No. DPR-52, and amendment No. 13 to license No. DPR-68, 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 Athens Public Library, South and Forrest, Athens, Ala. 35611. 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 23d day of June 1978.

For the Nuclear Regulatory Commission.

BRIAN K. GRIMES,
Assistant Director for Engineering and Projects, Division of Operating Reactors.

[FR Doc. 78-18578 Filed 7-5-78; 8:45 am]

[7590-01]

[Docket Nos. 50-266, 50-301]

WISCONSIN ELECTRIC POWER CO., (Point Beach Nuclear Plant, Units 1 and 2)

Special Prehearing Conference

JUNE 28, 1978.

On May 10, 1978, a notice was published in the FEDERAL REGISTER regarding the proposed issuance of amendments to facility operating licenses, which would increase the authorized storage capacity of the spent fuel storage pools of the Point Beach Nuclear Plant, units Nos. 1 and 2 (43 FR 20064). This notice provided that any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene, such petitions to be filed by June 9, 1978.

In response to this notice, a timely intervention petition was filed by Lakeshore Citizens for Safe Energy (Lakeshore) on June 5, 1978. This petitioner sought not only leave to intervene and a hearing but further asked for other relief including a stay of the license amendment request.[1] The staff filed its response to Lakeshore's petition on June 26, 1978, supporting its request for leave to intervene, but opposing the request for a stay and for various other grants of relief. The licensee took a similar position in its answer filed June 20, 1978.

On may 25, 1978, the State of Wisconsin Department of Justice, on behalf of the State of Wisconsin, requested leave to participate in the proceedings pursuant to the provisions of 10 CFR 2.715(c). Neither the staff nor the licensee has objected to such participation.

Please take notice that a prehearing conference pursuant to the provisions of § 2.751a as amended will be held at the City Council Chamber, City Hall, 817 Franklin Street, Manitowoc, Wis. 54220, at 9:30 a.m. local time on July 19, 1978.

All parties and petitioners for intervention or their counsel are directed to appear at such special prehearing conference where the Board will consider all motions, intervention petitions, contentions, and supplements to petitions listing contentions and the bases therefor. The Board will also consider the identification of key issues and the establishment of pre-

[1]The petitioners also requested that the Atomic Safety and Licensing Board appointed for this case: (1) stay consideration of the applicant's license amendment request pending final approval of the final generic impact statement on handling and storage of spent light water power reactor fuel; (2) order the establishment of assorted trust funds to cover the costs of shipping radioactive wastes and spent fuel from the plant and/or the costs of perpetually carring for radioactive wastes and spent fuel, and to cover the costs of decommissioning the Point Beach facility; (3) order the monitoring of radioactivity to be done by a neutral party; (4) grant "compaction" on a limited basis so as to give the applicant the capacity to off-load the entire Point Beach core, if needed; (5) grant the applicant license renewals on a 5 year basis contingent on Point Beach passing monitoring and safety inspections; and (6) order a hearing on the applicant's license amendment request.

hearing and hearing schedules. The parties and petitioners are requested to meet and confer prior to the conference and attempt to frame agreed contentions or to narrow the issues involving proposed contentions.

Dated at Bethesda, Md., this 28th day of June 1978.

It is so ordered.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc. 78-18579 Filed 7-5-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC COMPANY

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

PORTLAND GENERAL ELECTRIC CO.

(TROJAN NUCLEAR PLANT)

Order for Modification of License

Facility Operating License No. NPF-1

This action is in reference to a notice published by the Commission on June 1, 1978, in the FEDERAL REGISTER (43 FR 23768) entitled "Order for Modification of License."

The Chairman of this Board and his address is as follows:

Marshall E. Miller, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The members of the Board and their addresses are as follows:

Dr. Kenneth A. McCollom, Dean, Division of Engineering, Architecture and Technology, Oklahoma State University, Stillwater, Okla. 74074.

Dr. Hugh C. Paxton, 1229-41st Street, Los Alamos, N. Mex. 87544.

Dated at Bethesda, Md. this 29th day of June 1978.

ATOMIC SAFETY AND
LICENSING BOARD PANEL,
JAMES R. YORE,
Chairman.

[FR Doc. 78-18696 Filed 7-5-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-27]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Highway Safety Recommendations.—The National Transportation Safety Board has investigated five accidents in which commercial vehicle drivers have not been able to maintain speed control on downgrades. In these five accidents, 24 persons were killed and 36 persons were injured.

The Safety Board found that the significant causal factor in four of these accidents was the improper adjustment of the foundation brakes of the vehicles. In the other instance, the trailer brakes were totally inoperative. It was evident in two of these accidents that the owners and operators had failed to insure that the vehicles were safe for operation before they were dispatched. Adequate vehicle inspection and maintenance programs would have prevented these accidents, and proper brake adjustment should be an essential part of any maintenance program. Maladjusted brakes cannot supply adequate torque to retard the rolling wheel. Even refined brake equipment, such as the FMVSS-121 antilock hardware, is worthless if the brakes cannot develop their designed torques.

A secondary, yet important, factor in three of these accidents was the drivers' unsuccessful attempts to downshift. The Board noted that in each case, the probability of completing the shift was very low, and each vehicle ended up in neutral, without either foundation or engine braking capability. Without effective braking, there is nothing to retard vehicle acceleration on downgrades. This uncontrolled acceleration increased the severity of the resultant collisions.

As a result of these investigations, the Safety Board on June 23 recommended that the National Highway Traffic Safety Administration—

Develop a Federal Motor Vehicle Safety Standard stating a performance requirement for all newly manufactured commercial vehicles to have equipment that would insure brakes being in proper adjustment at all times. (H-78-48)

Develop a Federal Motor Vehicle Safety Standard to require that all motor vehicles equipped with 2-speed rear axles be placarded to warn the driver of the hazards of attempting to shift the 2-speed axle while negotiating downgrades. (H-78-49)

Develop a Federal Motor Vehicle Safety Standard to require that the maximum in-gear attainable road speed in each position of the vehicle's gear train be added to the FMVSS-102 required shift pattern/progression placard on all newly manufactured commercial vehicles. (H-78-50)

Each of these recommendations is designated "Class II, Priority Action."

Railroad Safety Recommendations.—Last December 28 a Louisiana & Arkansas freight train collided with a log-laden tractor-semitrailer at the Vine Street crossing in Goldonna, La. A "jumbo" tank car loaded with liquefied petroleum gas (LPG) ruptured and the gas ignited. The resultant fireball enveloped the train's locomotive units and parts of Goldonna's business and residential districts. Two train crewmembers were killed; the truck-driver, a train crewmember, and eight bystanders were injured. Property damage was estimated to be $1,256,000.

Board investigation disclosed that most of the collision impact was absorbed by the lead locomotive unit's forward hood compartment and cab face. The cab of the of the trailing locomotive unit was within a few feet of the ruptured LPG tank car when the gas ignited; the flagman inside the cab was killed instantly. At the time of the accident, the LPG tank car which ruptured and two other loaded LPG tank cars were the fourth, fifth, and sixth cars behind the locomotive units. There were 79 cars in the train, 19 of which were loaded placarded tank cars. The close proximity of the ruptured LPG car to the locomotive units caused fuel leaking from the ruptured tank of the lead locomotive unit to be ignited. The resulting fire killed the engineer and seriously injured the brakeman, both of whom were trapped inside the deformed cab.

Federal regulations (49 CFR 174.91) required that a loaded tank car placarded other than "combustible" cannot be placed closer than the sixth car from the engine or occupied caboose when the train's length permits. L. &. A. General Order No. 2 dated January 1, 1977, embodies this regulation. The conductor of the train stated that he understood the meaning of the general order and was aware of the location of the LPG tank, cars but took no action to assure that the cars were placed properly.

In view of these findings, the Safety Board on June 28 recommended that the Federal Railroad Administration—

Assure that the Louisiana & Arkansas Railway Company complies with the requirements of 49 CFR Part 174, Transportation of Hazardous Materials. (R-78-26)

Quickly conclude its study of improvements to the design of locomotive operator compartments to minimize crash damage, and promulgate necessary regulations to assure the adoption of appropriate findings. (R-78-27)

Both recommendations are designated "Class II, Priority Action."

Board investigation of the June 8, 1978, rear end collision of Conrail commuter train No. 400 with Amtrak's "Montrealer" at Seabrook, Md., has revealed that the General Railway Signal Co.'s cab signal system provided

on the commuter train could have falsely displayed an "approach" aspect when it should have been displaying the most restrictive aspect. The fault apparently exists in the design of the cab signal equipment and not in the individual car.

The Montrealer received a "stop and proceed" indication at signal 128R near the Capitol Beltway station. After stopping, the Montrealer departed from signal 128R at restricted speed as authorized by the operating rules. However, the locomotive developed operating problems and the engineer called the dispatcher by radio to advise him that he was going to stop clear of a highway grade crossing at Seabrook. As the Montrealer was slowing to a stop, it was struck in the rear by train No. 400. The impact caused eight cars of the Montrealer and three cars of train No. 400 to be derailed. Sixty-eight persons were injured and damage was estimated to be $325,000.

The Safety Board has investigated several collisions on the northeast corridor—notably, one at Stemmers Run, Baltimore, Md., June 12, 1977—which have been caused by the failure to operate the train in accordance with signal indications. This train, like train No. 400 in the Seabrook accident, was not provided with an automatic train control (ATC) system. The Board notes that the northeast corridor is being upgraded as a high-speed rail passenger-carrrying line, and every precaution should be taken to prevent accidents. Controlling the speeds of trains when the engineer fails to do so is imperative for safe operation.

Accordingly, on June 23 the Safety Board recommended that the National Railroad Passenger Corporation (Amtrak)—

Immediately arrange to have the defective cab signal systems corrected on these commuter cars and other locomotives using similar systems so that the systems will function as intended. (R-78-37)

Until the cab signals are properly repaired, issue instructions for the safe operation of these trains. (R-78-38)

Require all trains that operate on the northeast corridor to be equipped with an ATC system. (R-78-39)

Until an ATC system can be implemented on all trains, require that all "stop and proceed" signals on the northeast corridor be regarded as "stop and stay" signals by all trains equipped with locomotives and by self-propelled cars not equipped with ATC systems. If circumstances require such a train to enter an occupied signal block, the train dispatcher should be required to authorize the movement. (R-78-40)

On June 27 the Safety Board, further in connection with the Seabrook accident, recommended that the Federal Railroad Administration—

Use its emergency powers to require any carrier with locomotives and/or cars equipped with the General Railways Signal Company's cab signal systems to immediately establish instructions for the safe operation of trains so equipped until this equipment is repaired. (R-78-41)

With the exception of R-78-39, each of the above recommendations is labeled "Class I, Urgent Action." Recommendation R-78-39 is designated "Class II, Priority Action."

Responses to Safety Recommendations

AVIATION

A-76-109, 114 and 115.—The Federal Aviation Administration, responding on June 14 to the Safety Board's April 21 request for reconsideration of these recommendations (43 FR 26808, June 22, 1978), reports that the Board's special study, "General Aviation Accidents Involving Aerobatics, 1972-1974," has been reviewed. FAA states, "This, in the absence of any additional data, has only reaffirmed our previous conclusions that the inflight failures listed in the report have no more than a tenuous relation to the recommendations."

FAA notes that the basis for its previous decision was not a failure rate but, rather, the nature of the failures as described in the study. FAA does not agree that the structural failures cited in the study are attributable to acrobatic flight; also, five of the accidents involved amateur-built airplanes to which a regulatory change to increase the prescribed load factors would not apply.

During the period of the study (1972—1974), FAA says, there was no case of structural failure in an airplane certificated in a standard airworthiness category without some mitigating circumstance, and the report appears to confirm the conservatism of the required design envelopes—especially in view of the repeated cases of exceeding load factors as noted in the NASA studies to which it refers. FAA does not agree that a potential hazard exists because of the Federal Aviation Regulations which specify the load factors for acrobatic aircraft, nor does it agree that FAA is disregarding a potential hazard. FAA assures that data-substantiated recommendations identifying hazards will receive prompt corrective actions.

A-77-56 and 58.—In answer to recommendation A-77-56, which asked for an airworthiness directive to require that all Scott Aviation "Sky Masks" be modified so that the dilution valve filter is positively retained, FAA on June 14 informed the Safety Board that it has conducted a Quality Assurance Systems Review at the Scott manufacturing plant, with these findings:

1. Scott has delivered approximately 10,000 masks per year for 10 years, and no reports of problems similar to the one described have been received.

2. Scott has designed and produced a filter retainer which is available at no cost to all owners of earlier production masks. All new production masks have the retainer installed.

3. Scott has publicized the mask modification and the availability of the filter retainer through *Business and Commercial Aviation* and *AOPA Pilot* magazines.

FAA further notes that the March 1978 Supplement to the General Aviation Inspection Aids (copy provided) contains a description of the incident and information on the procedure for obtaining a filter retainer. FAA does not consider the issuance of an airworthiness directive to be justified and plans no further action.

Concerning recommendation A-77-58, which called for a technical standard order for continuous flow oxygen masks, FAA reports that completion of the SAE Committee A-10, Aircraft Oxygen Equipment Standard development project, noted in FAA's letter of last November 4, has been delayed. FAA expects to receive this standard by the end of 1978.

HIGHWAY

H-77-15.—The Federal Highway Administration on June 9 responded to the Safety Board's letter of February 14 concerning recommendations made as a result of the investigation into the bus accident near Martinez, California, on May 21, 1976. (See 43 FR 18074, April 27, 1978.)

Recommendation H-77-15 asked FHWA, in cooperation with the States, to determine if the current design and placement of guide, directional, advisory and warning signs, and other necessary traffic control devices on highway exit ramps are adequate to provide a driver with understandable and performance related information necessary to select and safely negotiate the desired ramp. The recommendation also asked that results of the investigation be used to improve the criteria contained in the Manual on Uniform Traffic Control Devices (MUCTD). The Board's February 14 letter stressed that the recommendation is concerned with all information sources at highway exit ramps, not just exit speed signs.

FHWA's June 9 letter details efforts in implementing this recommendation, including the alerting of its field offices by memoranda regarding the potential problems resulting from obscured signs, especially exit speed signs; the need to properly locate and maintain signs; and California signing practices. Copies of this correspondence were forwarded to the Board with FHWA's initial response dated October 31, 1977. Also, FHWA has made a formal request for change to MUCTD concerning the location of exit speed signs. The text of the proposed MUCTD, scheduled for publica-

tion in mid-1978, is provided in FHWA's response.

FHWA notes that one of the primary concerns of its Office of Traffic Operations is to insure the nationwide use of adequate, safe, and uniform traffic signs and control devices. FHWA states that the factors that cause problems at interchanges are human, informational, and geometric in nature and that most of the human errors can be minimized through good geometric design practices and through properly designed and located traffic control devices.

A number of research projects have been sponsored by FHWA to investigate the fundamentals of signing needs, FHWA reports. For example: A study completed in 1967 showed that guide signs for an interchange should begin at least one-half mile away (Information Requirements for Exiting at Interchanges, Mace, Hostetetter, Sequin, HRB Singer Inc., CPR-11-2808, September 1967).

FHWA states that current studies include: (a) driving techniques at freeway interchanges; (b) freeway guide signs, and (c) special symbols which use geometric and color codes to guide motorists through an interchange. A proposed study will seek to find ways to improve traffic signs by using improved and innovative symbols, pavement markings, radio and visual signs with emphasis on the human factors approach.

Provided with FHWA's June 9 letter is a copy of a report used as the text for a training course which has been given 19 times to engineers in 17 States, plus the Washington headquarters of FHWA, and is scheduled for 11 additional State presentations. This training effort is intended to teach a concept termed "Positive Guidance" which combines highway engineering and human factors technologies to produce a motorist information system matched to facility characteristics and driver attributes. FHWA believes this effort is a significant step in improving the state-of-the-practice in traffic signing.

H-78-8 through 11.—The National Highway Traffic Safety Administration on June 8 responded to recommendations issued as a result of investigation into the schoolbus/tractor-semitrailer accident which occurred near Rustberg, Virginia, on March 8, 1977.

In answer to recommendation H-78-8, which asked NHTSA to determine whether the States of Florida, Maryland, North Carolina, and South Carolina are in compliance with the various requirements of the Highway Safety Program Standard on Driver Licensing, NHTSA notes that all four States are deemed to be in compliance with the Standard, except that Florida and North Carolina are among 14 States that have yet to establish a classified driver license system whereby a single driver's license is issued to an operator based upon the types of vehicles the licensee is qualified to drive. NHTSA will continue to urge the States to adopt laws compatible with the "one license concept" as reflected in Chapter 6 of the Uniform Vehicle Code and to upgrade their driver record systems so that problem drivers are identified and promptly directed into appropriate remedial programs. Also, NHTSA seeks to modernize the National Driver Register Communications system so that instantaneous information on problem drivers of record, including drivers under suspension or revocation in a given State, can be exchanged among the various States to forestall the issuance of multiple licenses to drivers who are disqualified in other jurisdictions.

Recommendation H-78-9 asked NHTSA to expand Highway Safety Program Standard No. 17, "Pupil Transportation Safety," to provide that no passengers occupy seats in either the foremost or rearmost rows of passenger seats until all other seats have been occupied. NHTSA reports that the information available on schoolbus accidents does not indicate that the promulgation of such a rule would accomplish a major savings of life. NHTSA states that it already has programs designed to reduce the number of frontal and rear-end collisions. For example, Standard 17 requires that schoolbuses make all highway loading/unloading stops as far off the main traveled portion of the highway as practicable, and NHTSA intends to reemphasize the importance of this requirement to the States. NHTSA plans to urge States to adopt the Safety Board's recommendation and intends to revise pupil transportation safety manuals to include the policy that front and rear seats be left vacant where feasible. NHTSA believes that this course of action will prove more successful than attempting to formally modify Standard 17, an action which would require Congress to pass special legislation permitting the change.

With reference to H-78-10, which suggests additional emergency exit points in schoolbuses, NHTSA states that this would require an amendment ot Federal Motor Vehicle Safety Standard (FMVSS) No. 217, Bus Window Retention and Release, which established requirements for the retention of windows other than windshields in buses, operating forces, opening dimensions, and markings for push-out bus windows and other emergency exits. NHTSA states that on the basis of this one accident, it is neither realistic nor practical to address all possible impact situations and modes as far as emergency exits are concerned. However, NHTSA continues, this accident offered another example of the bus "push-put" windshield being used as an emergency exit. "Although not required by FMVSS No. 217, this type of construction is standard in schoolbuses, therefore, windshield emergency exits are a normal procedure used by emergency rescue squads," NHTSA states. NHTSA feels that rulemaking on this matter is not appropriate at this time.

Recommendation H-78-11 asked NHTSA to review available accident statistics involving 1975 and later model schoolbuses equipped with seating arrangements that comply with FMVSS No. 222 to determine if the specific seating, restraining barrier, and impact zone requirements for schoolbuses have reduced the injuries sustained by occupants on these schoolbuses when involved in collisions and rollovers. The Safety Board asked that a report of NHTSA's findings be submitted at the earliest opportunity. NHTSA reports, "Vehicles built according to the latest rule issued on December 20, 1977, are just reaching the operators and considering the safety performance of the national school fleet, it may be several years before a sufficient quantity of data is accumulated. We will continue to evaluate the effect of the compartmentalization concept as data is received."

NOTE.—The above notice summarizes Safety Board recommendation letters recently released and recommendation response letters received. The safety recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(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)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 30, 1978.

[FR Doc. 78-18659 Filed 7-5-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14899; File No. 4-280]

BUNKER RAMO ET AL.

Order Extending Time Period Within Which Interested Persons May Respond to Issues Raised by Commission's Review of Dispute Between the Options Price Reporting Authority and Two Vendors, Bunker Ramo Corp. and GTE Information Systems Inc.

JUNE 27, 1978.

On May 19, 1978, the Commission announced that it was initiating a review, pursuant to section 11A(b)(5) of the Securities Exchange Act of 1934 (the "Act"), of the dispute between the Options Price Reporting Authority ("OPRA") and two vendors, Bunker Ramo Corp. ("Bunker Ramo") and GTE Information Systems Inc. ("GTE").[1] The final date for interested persons to respond to the issues raised by this review was announced as June 23, 1978.

On June 22, 1978, counsel to the Associated Press requested that the Commission extend the time within which submissions could be filed until July 14, 1978. While no other formal requests for an extension of time have been received, the Commission's staff also has received informal inquiries concerning whether the comment period might be extended.

The Commission believes a 3 week extension of the period for filing submissions would be appropriate to provide interested persons sufficient time to address adequately the issues presented by this matter and to provide the Commission with the benefit of those views in reaching its determination.

Accordingly, the Commission hereby extends to July 14, 1978, the time period within which interested persons may respond to the issues set forth in the May 19, 1978, Order.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-18587 Filed 7-5-78; 8:45 am]

[1]Order extending the duration of a temporary stay for a period of 120 days and initiating review of whether an exclusive processor may charge an access fee; notice of oral hearing, Securities Exchange Act release No. 14784 (May 19, 1978).

[8010-01]

[Rel. No. 10292; 811-1386]

CALIFORNIA MUTUAL FUND

Filing of Application for an Order Declaring That Company Has Ceased to be an Investment Company

JUNE 27, 1978.

Notice is hereby given that California Mutual Fund ("Applicant"), 530 B Street, Suite 1635, San Diego, Calif. 92101, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("act"), filed an application on February 24, 1978, pursuant to section 8(f) of the act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of California in 1965 and was registered under the act of 1966. Applicant's authorized capital stock consists of 1 million shares of common stock with no par value.

Applicant represents that since March 29, 1973, there has been no meeting of its shareholders or sale of its stock. In addition, Applicant maintains that with one exception all of its directors have either died or disappeared.

On June 9, 1977, members of the staff of the Commission's Los Angeles Regional Office ("LARO") requested that Applicant undertake the necessary steps for dissolution. Applicant maintains that as a result of determinations made by the LARO staff following their examination of Applicant's records and those of its custodian, California First Bank, Applicant's remaining assets were distributed to shareholders in accordance with their respective holdings. Applicant further states that at the present time all of its shareholder accounts have been settled and there are no remaining assets. Accordingly, Applicant believes that its registration under the act is no longer necessary for the protection of investors.

Section 8(f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 21, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-18588 Filed 7-5-78; 8:45 am]

[8010-01]

[File No. 1-6098]

DANIEL INDUSTRIES, INC.

Application to Withdraw from Listing and Registration

JUNE 30, 1978.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Daniel Industries, Inc. (the "Company") has been listed for trading on the Amex since September 9, 1969. On December 12, 1977, the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, such stock was removed from trading on the Amex. In making the decision to withdraw its common stock from listing and registration on the Amex, the Company considered the direct and indirect expenses involved in maintaining the dual listing. The Company believes that a dual listing would be of little benefit to its stockholders and would fragment the market for such stock.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before July 28, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-18589 Filed 7-5-78; 8:45 am]

[8010-01]

[Rel. No. 10293; 811-2616]

INTERNATIONAL LIQUID ASSETS, INC.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 28, 1978.

Notice is hereby given that International Liquid Assets, Inc. ("Applicant"), 1575 First National Bank Building, Little Rock, Ark. 72201, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 31, 1977, and an amendment thereto on April 14, 1978, pursuant to section 8(f) of the act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of Delaware in December 1975, under the name International Fixed Income Fund, Inc. Applicant's name was changed to its present name in April 1976.

Public sale of Applicant's shares was commenced on May 20, 1976, and was suspended on May 28, 1976, when it came to the attention of International Consultants, Inc., Applicant's administrator, that certain violations of the act may have occurred; particularly, that certain investment restrictions contained in Applicant's prospectus may not have been honored. Consequently, Applicant's managers decided to suspend all of Applicant's operations and to offer to rescind all purchases of Applicant's shares. The rescission offer was accepted by shareholders in December 1976.

Applicant represents that it has not sold any shares since May 28, 1976, and that it has no further intention of making a public offering of its securities. In addition, Applicant states that it has not made any investments, except in savings accounts and government securities, since June 1976. On October 6, 1977, 9,800 of the 10,000 outstanding shares of Applicant's common stock, $.10 par value, were redeemed. At the present time, only 200 shares of Applicant's stock, all of which are owned by members of Applicant's Board of Directors and their associates, are outstanding. It is anticipated that Applicant's remaining assets, which totaled less than $2,500 on December 31, 1977, will be distributed to these remaining shareholders, who number less than ten.

Section 8(f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 21, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-18590 Filed 7-5-78; 8:45 am]

[8010-01]

[Release No. 20604; 70-6179]

MONONGAHELA POWER CO., ET AL.

Proposal to Issue Promissory Notes to County in Connection With Financing of Pollution Control Facilities

JUNE 27, 1978.

Notice is hereby given that Monongahela Power Co. ("Monongahela"), 1310 Fairmont Avenue, Fairmont, W. Va. 26554, The Potomac Edison Co. ("Potomac Edison") Downsville Pike, Hagerstown, Md. 21740, and West Penn Power Co. ("West Penn"), 890 Cabin Hill Drive, Greensburg, Pa. 15601, all of which are electric utility subsidiaries of The Allegheny Power System, Inc., a registered holding company, have filed an application-declaration with this Commission 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 transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Monongahela, Potomac Edison, and West Penn (collectively "the companies") propose to engage in a second financing of certain air and water pollution control facilities and sewage or solid waste disposal facilities ("facilities") which are required to meet various State and Federal air and water quality standards at the Pleasants Power Station ("Pleasants"), through the issuance of pollution control notes to support pollution control revenue bonds to be issued by Pleasants County, W. Va. Pleasants is jointly owned by the companies with the following undivided interests: West Penn—45 percent, Potomac Edison—30 percent, and Monongahela—25 percent. As of May 31, 1978, the companies had spent approximately $90 million on the facilities; however, the total cost of construction of the facilities is expected to be $170 million.

On November 1, 1977, the Commission issued an order (HCAR No. 20239) authorizing the companies to enter into a Pollution Control Financing Agreement dated November 1, 1977 ("agreement") with Pleasants County, W. Va. ("county"). In accordance with the agreement, the county issued separately in respect of each company the county's pollution control revenue bonds, 1977 series A ("series A bonds") pursuant to trust indentures dated as of November 1, 1977 ("indentures") in the aggregate principal amount of $92.5 million, which consists of $17.5 million, $30 million, and $45 million for Monongahela, Potomac Edision, and West Penn, respectively. The indentures constituted an assignment to

the trustee by the county of all the county's right, title, and interest in the agreement with respect to the companies. Concurrently with the issuance of the series A bonds, each company delivered to the trustee under the indentures its nonnegotiable pollution control note, 1977 series A ("series A note") secured by a second lien on that company's interest in the facilities and certain other property pursuant to a deed of trust and security agreement dated November 1, 1977 ("security agreement"). It is expected that all proceeds from the sale of the series A bonds will be drawn down and applied to payment of the cost of the facilities.

To finance the remaining currently projected costs of the facilities, it is now proposed that, pursuant to the agreement, the county issue and sell up to $77.5 million in additional pollution control revenue bonds ("series B bonds"). It is expected that the additional issue in respect of Monongahela's interest in Pleasants will not exceed $25 million, that the additional issue in respect of Potomac Edison's interest in Pleasants will not exceed $21 million, and that the additional issue in respect of West Penn's interest in Pleasants will not exceed $31.5 million.

The county and the trustee under the indentures will enter into a supplement to each indenture ("supplemental indenture") providing for the series B bonds in respect of each company. The series B bonds will be sold, at such times, in such principal amounts, at such interest rates, and for such prices as shall be approved by the companies. Each company's series B bonds will have a maturity of not less than 5 and not more than 40 years and will have provisions for optional and mandatory redemption and for sinking, purchase, and analagous funds.

It is proposed that the series B bonds (assuming they are dated in August 1978) will be subject to redemption prior to maturity at the option of the county, upon the direction of the company, in whole or in part on any date on or after August 1, 1988, but if in part, then in inverse order of maturity and within any maturity by lot. The redemption price to be paid in such event shall be the amount shown below as a percentage of principal amount, plus interest accrued to the redemption date:

Redemption dates (inclusive)	Redemption price
Aug. 1, 1988 through July 31, 1989	103
Aug. 1, 1989 through July 31, 1990	102½
Aug. 1, 1990 through July 31, 1991	102
Aug. 1, 1991 through July 31, 1992	101½
Aug. 1, 1992 through July 31, 1993	101
Aug. 1, 1993 through July 31, 1994	100½
Aug. 1, 1994 and thereafter	100

In the event the bonds are not issued in August of 1978, the first day of the month in which they are issued and the last day of the previous month would be substituted for August 1 and July 31 in the table and the first day of the month of issue 10 years later for August 1, 1988. It is also proposed that not less than 25 percent of the principal amount of the bonds in respect of each company will be paid by way of serial maturities or will be redeemed through mandatory sinking funds prior to stated maturity.

As provided in the agreement and the indentures, each company will be required to deliver to the trustee its series B pollution control note ("series B note") which is, except as to interest rate, maturity, principal amount, and redemption provisions, substantially identical to the series A note, to provide revenues to the county to meet the debt service requirements on the series B bonds in respect of that company. The series B note for each company will also be secured by a second lien on the company's interest in the facilities and certain other property pursuant to the security agreement in respect of each company and as such will not constitute "unsecured debt" within the meaning of the provisions of each of the companies' charters. Each company also proposes to pay any trustee's fees or other expenses incurred by the county as a result of the issuance of the series B bonds.

The companies will cause the facilities to be completed and the companies will have complete control of the operation of the facilities and will be responsible for the maintenance thereof.

To the extent that the total cost of the facilities exceeds the proceeds from the series A and series B bonds (and any other obligations hereafter issued under the agreement), the companies will be required to pay for completion of the facilities at their own expense.

It is expected that the county will engage Goldman, Sachs & Co. to provide financial advice and, together with such other underwriters as may be designated, underwrite the sale of the series B bonds. Fees, commissions and expenses of the underwriters, and legal counsel will be included in the total cost of the facilities. The companies have been informed that the county has legal authority to issue tax exempt revenue bonds in accordance with the proposed documents and the companies understand that legal opinions to that effect will be delivered to appropriate parties at, or prior to, the closing date. The series B bonds may be in either coupon or registered form and will bear interest semi-annually at rates to be determined. The series B bonds will be issued pursuant to the supplemental indentures which will provide for redemption, sinking funds, no-call and other appropriate provisions to be determined. The supplemental indenture will also provide that the proceeds of the sale of the series B bonds by the county must be applied to the cost of the facilities.

The proceeds to be received by the companies will be added to each of the companies' general funds to reimburse the treasury of each of the companies for expenditures made or to be made in connection with the facilities.

In addition, one of the companies may issue $1 million of unsecured notes which would correspond to a separate issue of $1 million of the county's bonds in respect of principal amount, interest rates and redemption provisions and having installments of principal corresponding to any mandatory sinking fund payments and stated maturities.

This issue of bonds would be a distinct offering from the series B bonds and would be offered before or after the series B bonds through separate offering documents, copies of which will be filed by amendment.

The proceeds from the sale of this series of bonds are proposed to be used to reimburse the treasury of the company in respect of which the bonds are issued for the cost of construction of certain other facilities at the Pleasants power station for which the proceeds of the series B bonds may not be applied under the terms of the indenture.

The companies have been advised that the annual interest rate on tax exempt bonds of the type to be sold by the county has been approximately 2 percent lower than the interest rate on taxable obligations of comparable quality.

A statement of the fees, commissions, and expenses to be incurred in connection with the proposed transactions will be filed by amendment. Monongahela's participation in the proposed transactions is subject to the jurisdiction of the West Virginia Public Service Commission and the Ohio Public Utilities Commission. West Penn's participation in the proposed transaction is subject to the jurisdiction of the Pennsylvania Public Utility Commission. Potomac Edison's participation in the proposed transaction is subject to the jurisdiction of the Maryland Public Service Commission and the State Corporation Commission of Virginia. The Air Pollution Control Commission of West Virginia has certified that the facilities are being constructed and installed for water and air quality purposes. It is stated that 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

July 21, 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 applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and 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. 78-18591 Filed 7-5-78; 8:45 am]

[8010-01]

[Release No. 14727; SR-NYSE-77-36]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

MAY 2, 1978.

On November 30, 1977, the New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 (s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which governs procedures for the prohibition or limitation with respect to access to services offered by the Exchange or a member thereof.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act release No. 34-14271, December 14, 1977 and by publication in the FEDERAL REGISTER (43 FR 804, January 4, 1978). All written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's public reference room.

The Commission finds that the proposed rule change is consistent with the requirements of the act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the act, that the above—mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the division of market regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.78-18592 Filed 7-5-78; 8:45 am]

[8010-01]

[Release No. 14900; SR-NYSE-78-13]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 28, 1978.

On March 6, 1978, the New York Stock Exchange, Inc., 55 Water Street, New York, N.Y. 10041, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends their rules governing margin requirements for shelf-registered, control or restricted securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act release No. 34-14672, April 17, 1978) and by publication in the FEDERAL REGISTER (43 FR 17429, April 18, 1978). All written-statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-18593 Filed 7-5-78; 8:45 am]

[8010-01]

[Release No. 14903; SR-NYSE-77-33]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 28, 1978.

On November 17, 1977, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, N.Y. 10006, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would authorize the NYSE Board of Directors to impose charges on its members and member organizations to reimburse the NYSE for regulatory oversight services that the NYSE provides to its membership. On January 19, 1978, the NYSE submitted an amendment to the proposed new rule (Rule 129) which sets forth the amount of the fee (12 cents for each round lot purchase and sale) established by the Board of Directors.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-14412, January 25, 1978) and by publication in the FEDERAL REGISTER (43 FR 4300, February 1, 1978).[1] All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

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[1]Notice of the remaining portion of SR-NYSE-77-33, which proposed amendments to rules governing the comparison, clearance and settlement of exchange transactions was given in Securities Exchange Act Release No. 34-14279, December 15, 1977 (42 FR 63979, December 21, 1977). The majority of these proposed rule changes were approved by Securities Exchange Act Release No. 14636, April 7, 1978 (43 FR 15319, April 14, 1978), and the remaining proposed amendments are currently under consideration.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-18594 Filed 7-5-78; 8:45 am]

[8010-01]

[Release No. 14896; SR-PHLX-78-4]

PHILADELPHIA STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 26, 1978.

On May 15, 1978, the Philadelphia Stock Exchange, Inc., ("PHLX"), 17th Street and Stock Exchange Place, Philadelphia, Pa. 19103, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change which would provide investors with a simple and inexpensive procedure for the arbitration of small claims against member firms. 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.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 14770, May 16, 1978) and by publication in the FEDERAL REGISTER (43 FR 22117, May 23, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and were made available to the public at the Commission's public reference room.

The Commission finds that the proposed rule change is consistent with the requirements of the act and the rules and regulations thereunder applicable to the PHLX, and in particular, the requirements of section 6 and the rules and regulations thereunder. The proposed rule change will provide a more effective, efficient and economical dispute resolution system for public investors with small claims and thus will protect investors and the public interest.

It is therefore ordered, Pursuant to section 19(b)(2) of the act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the division of market regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.78-18595 Filed 7-5-78; 8:45 am]

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[1]The proposed rule also provides a procedure for interposing related counterclaims. The term "related counterclaim" is to be defined as related to the customer's account(s) with and exchange member or member organization; the clarification will be reflected in the stated policies, practices, or interpretations of the exchange, as well as in the arbitration booklet to be distributed to public investors.

[8010-01]

[Release No. 14898; SR-PHLX-78-7]

PHILADELPHIA STOCK EXCHANGE, INC.

Order Approving Proposed Rule change

JUNE 27, 1978.

On May 4, 1978, the Philadelphia Stock Exchange, Inc. ("PHLX") 17th Street and Stock Exchange Place, Philadelphia, Pa. 19103, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and rule 19b-4 thereunder, copies of an amended proposed rule change which alters paragraph (i) and commentary .03 of PHLX Rule 1014 to provide that registered options traders ("ROT's") assume affirmative obligations in nonassigned option classes whenever present in the trading crowd or called by a floor official to participate in the market for any such class of options.

Notice of the amended proposed rule change, together with the terms of substance of the proposal, was given by publication of a Commission release (Securities Exchange Act Release No. 14739, May 5, 1978) and by publication in the FEDERAL REGISTER (43 FR 20067, May 10, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements of communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.[1]

The principal purpose of SR-PHLX-78-7 is to qualify trading by ROT's in nonassigned option classes for the exemption to section 11(a)(1)[2] of the act set forth in paragraph (A) thereunder. That paragraph exempts from the trading prohibition of section 11(a)(1) "any transaction by a dealer acting in the capacity of a market maker." Section 3(a)(38) of the act defines "market maker" as "any specialist permitted to act as a dealer, any dealer acting in the capacity of block positioner, and any dealer who, with respect to a security, holds himself out (by entering quotations in an inter-dealer communications system or otherwise) as being willing to buy and sell such security for his own account on a regular or continuous basis."

In an earlier release on section 11(a) of the act, the Commission addressed, among other things, the ability of floor members on options exchanges to qualify their proprietary options transactions for the exemption in section 11(a)(1)(A).[3] The Commission observed that such floor members (a category which includes members indentified as market makers, specialists, and ROT's) generally are subject to both affirmative and negative obligations while effecting principal transactions on the respective exchange options floors in any class of listed options. To the extent that options floor members assumed those obligations when trading in any options class, the Commission viewed that activity as specialist trading, consistent with the first part of the definition of a market maker under section 3(a)(38), and therefore qualified under the exemption provided in section 11(a)(1)(A).[4] The Commission noted, however, that ROT's on the PHLX were not subject to affirmative obligations in their transactions outside their assigned classes and accordingly, such trading would not fall within the market maker exemption to section 11(a)(1).[5] The amendatory material in SR-PHLX-78-7 is intended to remedy this situation.

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[1]No comments were received in response to the notice of filing published for SR-PHLX-78-7.

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[2]Section 11(a)(1) of the act provides that it shall be unlawful for any member of a national securities exchange to effect any transaction on such exchange for its own account, the account of an associated person, or an account with respect to which it or an associated person thereof excercises investment discretion. Paragraphs (A) through (G) under section 11(a)(1) specify certain exemptions to the foregoing prohibitions.

[3]See Securities Exchange Act Release No. 14573 (March 14, 1978), 43 FR 11542 (March 17, 1978), 11551.

[4]Id., Footnote 69. Exchange Act Rule 11b-1 (17 CFR 240.11b-1) regulates the conduct of specialists and requires that exchange members who register as specialists be subject to affirmative and negative obligations in connection with their trading in that capacity.

[5]See note 4 supra.

To the extent that SR-PHLX-78-7 imposes affirmative obligations upon ROT's trading in nonassigned options classes and such members fulfill those obligations and applicable negative obligations, the Commission believes that such trading by PHLX ROT's would appear to qualify for the market maker exemption specified in section 11(a)(1)(A) of the act. The Commission finds, moreover, that the proposed rule change, as amended, is consistent with the requirements of the act including section 11(a).[6]

It is therefore ordered, Pursuant to section 19(b)(2) of the act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-18526 Filed 7-5-78; 8:45 am]

[6]Legislation was recently enacted to delay full effectiveness of section 11(a) from May 1, 1978 to February 1, 1979. See Pub. L. 95-283, 95th Cong. 2d, sess. (1978).

[8010-01]

[Release No. 10295; 812-4316]

WASHINGTON NATIONAL FUND, INC. AND FUNDAMENTAL INVESTORS, INC.

Filing of Application To Exempt a Proposed Merger

Notice is hereby given that Washington National Fund, Inc. ("National"), and Fundamental Investors, Inc. ("Fundamental") (collectively, "Applicants"), Westminister at Parker, Elizabeth, N.J. 07207, both open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on May 26, 1978, and an amendment thereto on June 23, 1978, for an order, pursuant to section 17(b) of the act, exempting from the provisions of section 17(a) of the act a proposed merger of National into Fundamental. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that, on April 28, 1978, the total net assets of National were $9,671,000 and those of Fundamental were $479,664,000. They state that the investment objective of each applicant is to increase capital and income return over the years. Applicants state that they have the same investment adviser and principal underwriter, Anchor Corp. ("Anchor"). Applicants further state that they have the same directors and officers and employ the same counsel, custodian, transfer agent, and auditors.

National proposes to merge into Fundamental, with Fundamental to be the surviving fund. On the effective date of such merger, each National shareholder will have an account with Fundamental to which will be credited that number of shares of Fundamental equal in total dollar value to the shares of National then owned, both determined at net asset value, as computed on the close of business of the New York Stock Exchange ("Exchange") on the effective date of the merger, or, if the Exchange is not open on such date, on the last preceding day on which the Exchange was open. Applicants do not anticipate that any of National's portfolio securities will be sold by Fundamental following the merger. No adjustments to the net asset value of either applicant's shares will be made to compensate for any potential Federal income tax impact on Fundamental immediately after the proposed merger which might result from differences in National's and Fundamental's present capital loss carryforward because, applicants assert, very little of National's capital loss carryforward would be available to Fundamental.

Applicants represent that the merger is subject to several contingencies, including approval by the shareholders of National at a meeting scheduled on July 19, 1978, the granting of all necessary orders and approvals under the act and under the securities laws generally, and the receipt of opinions that the transaction will constitute a tax-free reorganization. Dissenting shareholders of the applicants will have no appraisal rights in connection with the merger but they will have the right to have their shares redeemed at current net asset value in accordance with the act.

Applicants state that the benefits of the proposed merger will accrue primarily to shareholders of National, who would become shareholders of a larger fund which pays Anchor an advisory fee at an effective current rate of 0.42 percent, and which had an expense ratio in 1977 of 0.61 percent, as opposed to National's effective advisory fee rate of 0.5 percent of average net assets and expense ratio of 0.82 percent of average net assets. Applicants acknowledge that similar advantages cannot be cited concerning the shareholders of Fundamental but state that Fundamental can expect to increase its net assets at a time when it is experiencing net redemptions. Applicants state that expenses involved in connection with the merger will consist primarily of costs related to the proxy statement of National and that such expenses will be borne by Anchor.

Applicants state that if the proposed merger is approved by the shareholders of National, the merger is expected to become effective on July 21, 1978. On July 26, 1978, the shareholders of Fundamental are expected to vote on whether to approve a new Investment Advisory and Service Agreement ("Agreement") between Fundamental and Capital Research and Management Co. ("Capital Research"). If the agreement is approved, Capital Research will succeed Anchor as investment adviser to Fundamental and one or more affiliates of Capital Research will become the principal underwriter and perform other functions presently performed by Anchor for Fundamental. Assuming that National approves the proposed merger and that Fundamental approves the agreement, the agreement would become the effective advisory agreement of those National shareholders who would become shareholders of Fundamental as a result of the merger. Applicants state that the duties and responsibilities under the present advisory agreement with Anchor and the agreement with Capital Research are substantially the same although there are differences in those and in other matters, such as expenses to be allocated, timing of payments of the investment advisory fee and period of effectiveness and method of termination of the agreements. Applicants state that the advisory fee schedule is the same under Fundamental's existing advisory agreement with Anchor and the proposed agreement with Capital Research.

Section 2(a)(3) of the act, in part, defines an affiliated person of another person to include any person, directly or indirectly, controlling, controlled by or under common control with, such other person. The application states that National and Fundamental may be deemed to be under common control because each has investment advisory agreements with Anchor and because applicants have the same officers and directors, and, thus, National and Fundamental may be deemed to be affiliated persons of each other.

Section 17(a) of the act, in part, provides that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the act provides, in part, that the Commission shall exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the gen-

eral purposes of the act. Applicants have requested an order pursuant to section 17(b) of the act exempting the proposed merger from provisions of section 17(a) of the act.

Applicants submit that the terms of the proposed merger are reasonable and fair and do not involve overreaching on the part of any person concerned since Fundamental will be issuing shares to National on the basis of their relative net asset values. Applicants submit that, if approved by the shareholders of National, the proposed merger will be consistent with the policies of each applicant and the general purposes of the act.

Notice is further given that any interested person may, not later than July 18, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-18597 Filed 7-5-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1491]

KANSAS

Declaration of Disaster Loan Area

Jackson and Pottawatomie Counties and adjacent counties within the State of Kansas constitute a disaster area as a result of damage caused by thunderstorms, winds, and several tornadoes which occurred on May 31, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 28, 1978, and for economic injury until the close of business on March 27, 1979, at:

Small Business Administration, District Office, 12 Grand Building, 5th Floor, 1150 Grand Avenue, Kansas City, Mo. 64106

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 27, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-18599 Filed 7-5-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1494]

KANSAS

Declaration of Disaster Loan Area

Ford and Gray Counties and adjacent counties within the State of Kansas constitute a disaster area as a result of damage caused by tornadoes, which occurred on May 30, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 28, 1978, and for economic injury until the close of business on March 27, 1979, at:

Small Business Administration, District Office, Main Place Building, 110 East Waterman Street, Wichita, Kans. 67202.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 27, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-18600 Filed 7-5-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1493]

LOUISIANA

Declaration of Disaster Loan Area

Iberia Parish and adjacent parishes within the State of Louisiana constitute a disaster area as a result of damage caused by severe thunderstorms, torrential rain and flooding which occurred on June 6-7, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 28, 1978, and for economic injury until the close of business on March 27, 1979, at:

Small Business Administration, District Office, Plaza Tower—17th Floor, 1001 Howard Avenue, New Orleans, La. 70113.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 27, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-18601 Filed 7-5-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1407; Amendment No. 5]

MICHIGAN

Declaration of Disaster Loan Area

The above numbered declaration (See 42 FR 61347), amendment No. 1 (See 42 FR 63510), amendment No. 2 (See 43 FR 8605), amendment No. 3 (See 43 FR 16233) and amendment No. 4 (See 43 FR 19092) are amended by adding excessive rainfall during the month of August 1977 to Luce County.

County, natural disaster, and date
Luce, excessive rainfall; August 1, 1977-August 31, 1977.

and adjacent counties within the State of Michigan as a result of natural disaster as indicated. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business on September 29, 1978, and for economic injury until the close of business on December 29, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.).

Dated: June 27, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-18602 Filed 7-5-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1492]

MICHIGAN

Declaration of Disaster Loan Area

Wayne County and adjacent counties within the State of Michigan constitute a disaster area as a result of damage caused by severe thunderstorm, rain, and flash flooding which occurred on May 30, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 28, 1978, and for economic injury until the close of business on March 27, 1979, at:

Small Business Administration, District Office, 477 Michigan Avenue, McNamara Bldg., Room 515, Detroit, Mich. 48226

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 27, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-18603 Filed 7-5-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1457; Amdt. No. 4]

TEXAS

Declaration of Disaster Loan Area

The above number Declaration (see 43 FR 16584), amendment No. 1 (see 43 FR 20070), amendment No. 2 (see 43 FR 24641), and amendment No. 3 (see 43 FR 26511) are amended by adding the following counties:

Counties, natural disasters, and dates

Bandera, drought; Mar. 1, 1977-June 1, 1978.
Real, drought; Apr. 1, 1977-May 31, 1978.
Uvalde, drought; July 1, 1977-May 24, 1978.
Uvalde, Hailstorm; May 2, 1978.
Zavala, drought; June 1, 1977-May 25, 1978

and adjacent counties within the State of Texas as a result of natural disaster as indicated. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business October 11, 1978, and for economic injury until the close of business on December 11, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 27, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-18604 Filed 7-5-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1495]

TEXAS

Declaration of Disaster Loan Area

Montgomery County and adjacent counties within the State of Texas constitute a disaster area as a result of damage caused by flooding which occurred on June 7, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 28, 1978, and for economic injury until the close of business on March 28, 1979, at:

Small Business Administration, District Office, One Allen Center, Suite 705, 500 Dallas, Houston, Tex. 77002.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 28, 1978.

ROGER H. JONES,
Acting Administrator.

[FR Doc. 78-18605 Filed 7-5-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 132—AIRBORNE AUDIO SYSTEMS AND EQUIPMENT

Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 132 on Airborne Audio Systems and Equipment to be held August 1-3, 1978, RTCA Conference Room 261, 1717 H Street NW., 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 fifth meeting held March 14-16, 1978; (3) review chairman's notes from European organization for civil aviation electronics meeting; and (4) consideration of comments on the fourth draft of the committee report on minimum performance standards for airborne audio systems and equipment.

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 obtained 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 June 28, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-18565 Filed 7-5-78; 8:45 am]

[4810-10]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Dept. Series—No. 15-78]

SUPPLEMENT TO DEPARTMENT CIRCULAR

Interest Rate

JUNE 29, 1978.

The Secretary of the Treasury announced on June 28, 1978, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 15-78, dated June 20, 1978, will be 8⅞ percent. Interest on the bonds will be payable at the rate of 8⅞ percent per annum.

PAUL H. TAYLOR,
Acting Fiscal Assistant Secretary.

[FR Doc. 78-18509 Filed 7-5-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

JUNE 30, 1978.

[Notice No. 671]

ASSIGNMENT OF HEARINGS

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 143743 (Sub-No. 1), Fulton Trucking Co., Inc., now being assigned September 11, 1978 (2 weeks), at Atlanta, GA, in a hearing room to be later designated.

No. MC 135874 (Sub-No. 99F), LTL Perishables, Inc.; and MC 134477 (Sub-No. 214F), Schanno, Transportation, Inc.; and No. MC 134755 (Sub-No. 131F), Charter Express, Inc., now being assigned September 6, 1978 (2 days), at Chicago, IL, in a hearing room to be later designated.

No. MC 123407 (Sub-No. 418), Sawyer Transport, Inc., now being assigned September 8, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

No. MC 143103 (Sub-No. 2), Cherokee Lines, Inc., now being assigned for September 11, 1978 (2 days), at Chicago, IL, in a hearing room to be later designated.

No. MC 111812 (Sub-No. 550), Midwest Coast Transport, Inc., now being assigned September 13, 1978 (2 days), at Chicago, IL, in a hearing room to be later designated.

No. MC 113267 (Sub-No. 355), Central & Southern Truck Lines, Inc., now being assigned September 15, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

No. MC 2900 (Sub-No. 328F), Ryder Truck Lines, Inc.; No. MC 29886 (Sub-No. 339F), Dallas & Mavis Forwarding Co., Inc.; No. MC 73165 (Sub-No. 428), Eagle Motor Lines, Inc.; NO. MC 103341 (Sub-No. 86F), Moss Trucking Co., Inc. and No. MC 113855 (Sub-No. 403F), International Transport, Inc., are now assigned for hearing August 1, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 144060 (Sub-No. 1), American Equipment Transportation Corp., now

being assigned September 6, 1978, (1 day), at Los Angeles, CA, in a hearing room to be designated later.

No. MC 143949 (Sub-No. 3), John Galt Line, Inc., now being assigned September 7, 1978, (1 day), at Los Angeles, CA, in a hearing room to be designated later.

MC MC-F-13235 and MC 31462 Sub 24, Paramount Mover, Inc.—Purchase—Econo Movers, now being assigned September 8, 1978, (1 day), at Los Angeles, CA, in a hearing room to be later designated.

MC 139495 (Sub-No. 308), National Carriers, Inc., now being assigned September 11, 1978, (1 day), at Los Angeles, CA, in a hearing room to be later designated.

MC 142368 (Sub-No. 8), Danny Herman Trucking, Inc., now being assigned September 12, 1978, (1 day), at Los Angeles, CA, in a hearing room to be later designated.

MC 138635 (Sub-No. 46), Carolina Western Express, Inc., now being assigned September 13, 1978, (3 days), at Los Angeles, CA, in a hearing room to be later designated.

MC 135611 (Sub-No. 7), Walker & Whitted Transportation Co., Inc., now being assigned September 18, 1978, (2 days), at Los Angeles, CA, in a hearing room to be later designated.

MC-F-13378, and MC 58923 (Sub-No. 48), Georgia Highway Express, Inc.—Purchase—A. Earley & Associates, d.b.a. Mainline Transportation System, A Corp., now being assigned September 20, 1978, (3 days), at Los Angeles, CA, in a hearing room to be later designated.

No. MC 144071, J. A. Frate, Inc., now being assigned September 26, 1978, at Chicago, IL, in a hearing room to be later designated, (4 days).

No. MC-F-13477, Arledge Transfer Inc.—Purchase—Eugene C. Warren, d.b.a. Warren Trucking Co., now being assigned October 2, 1978, (5 days), at Chicago, IL, in a hearing room to be later designated.

No. MC 111485 (Sub-No. 19F), Paschall Truck Lines, Inc., now being assigned September 26, 1978, (9 days), at the Holiday Inn, 727 Joe Clifton Drive, Paducah, KY.

No. MC 111545 (Sub-No. 241), Home Transportation Co., Inc., now being assigned September 12, 1978, (1 day), at Columbus, OH, in a hearing room to be later designated.

No. MC 134922 (Sub-No. 243), B. J. McAdams, Inc., now being assigned September 13, 1978 (1 day), at Columbus, OH, in a hearing room to be later designated.

No. MC 143790 (Sub-No. 3), Federal Freight System, Inc., now being assigned September 14, 1978 (2 days), at Columbus, OH, in a hearing room to be later designated.

No. MC-F-13395, Bender and Loudon Motor Freight, Inc.—Control & Merger—Lima Trucking Co. and MC 3151 (Sub-No. 20), Bender and Loudon Motor Freight, Inc., now being assigned September 18, 1978, (1 week), at Columbus, OH, in a hearing room to be later designated.

No. FD 28583 (Sub-Nos. 1 and 2), Burlington Northern, Inc.—Control and Merger—St. Louis-San Francisco Railway Co and No. MC 13500, Burlington Northern, Inc.—Control—Frisco Transportation Co., are now being assigned for continued hearing January 3, 1979, (5 weeks), at Chicago, IL, at a location to be later designated.

No. MC 123048 (Sub-No. 390F), Diamond Transportation System, Inc., is now assigned for hearing September 6, 1978, (1 day), at Little Rock, AR, at a location to be later designated.

No. MCC 9859, John Sephton Produce Co., Inc.—Revocation of Certificates; No. MCF 12793, B. J. McAdams, Inc.—Control and Merger—John Sephton Produce Co., Inc. and No. MCF 13350, Bob McAdams, B. J. McAdams, Inc., Wiley A. Sanders, Wiley A. Sanders, Inc., E. W. McKean, Jr., Clairborne W. Patty, Jr.—Investigation of Control—John Sephton Produce Co., Inc., are now assigned for hearing September 7, 1978, (2 days), at Little Rock, AR, at a location to be later designated.

No. MC 4405 (Sub-Nos. 561 and 567), Dealers Transit, Inc., are now assigned for hearing September 11, 1978, (1 week), at Dallas, TX, at a location to be later designated.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18666 Filed 7-5-78; 8:45 am]

[7035-01]

[Volume No. 101]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

JUNE 26, 1978.

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, 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 aplicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 200 (Sub-No. 303F), filed April 6, 1978. Applicant: RISS INTERNATIONAL CORP., 903 Grand Avenue, Kansas City, MO 64142. Representative: Rodger J. Walsh, 903 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *Glass Containers with or without lids* serving Gas City, IN as an off-route point in connection with applicant's regular route authority. (Hearing site: Indianapolis, IN or Kansas City, MO.)

MC 720 (Sub-No. 51F), filed March 31, 1978. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, WI 53963. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *canned goods and preserved foodstuffs,* from Austin and Brownstown, IN, to points in IL, MO, MI, NY, OH, PA, VA, WV, and WI. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 4484 (Sub-No. 4F), filed April 3, 1978. Applicant: CROWN TRANSPORT, INC., Rural Delivery 2, Wampum, PA 16157. 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: *Mining machinery and component parts thereof,* from the facilities of Joy Manufacturing Co., located at or near Franklin, PA, to points in the United States in and east of MI, WI, IA, KS, MO, OK and TX. (Hearing site: Pittsburgh, PA or Washington, DC.)

NOTE.—Common control may be involved.

MC 19157 (Sub-No. 51F), filed April 4, 1978. Applicant: McCORMACK'S

HIGHWAY TRANSPORTATION, INC., Rural Delivery 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Representative: Paul Montarello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Such merchandise as is sold and used by wholesale, retail and discount stores* (except foodstuffs, commodities in bulk and those which because of size or weight require the use of special equipment) between points in IN and Carson, ME. (Hearing site: Columbus, OH or Washington, DC.)

NOTE.—Common control may be involved.

MC 22179 (SUB-No. 20F), filed April 7, 1978. Applicant: FREEMAN TRUCK LINE, INC., P.O. Box 467, Oxford, MS 38655. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Articles:* Between Nashville, TN and Kosciusko, MS, restricted to transportation of traffic originating at the facilities of Sheller Globe Corp. at or near Kosciusko, MS. (Hearing site: Jackson, MS.)

MC 28060 (Sub-No. 43F), filed April 7, 1978. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, P.O. Box 944, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, GA 30326. Seeks authority to operate as a *common carrier* by motor vehicle, over irregular routes in the transportation of *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 MCC 209 and 766, from: the facilities of Wilson Foods Corp. located at Denver, CO, to: points in IA and MN, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 35628 (Sub-No. 397-F), filed February 27, 1978. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Grand Rapids, MI, and Baldwin, MI, from Grand Rapids over MI Hwy 37 to Baldwin, and return over the same route, serving all intermediate points; (2) Between Grand Rapids, MI, and Newaygo and Hesperia, MI, from Grand Rapids over MI Hwy 37 to Newaygo, to the junction of MI Hwy 82 at Newaygo, then over MI Hwy 82 to the junction of MI Hwy 82 and 120 to Hesperia, then over MI Hwy 20 to the junction of MI Hwy 37 and return over the same route or MI Hwy 37, serving all intermediate points; (3) Between Muskegon, MI, and Hesperia, MI, from Muskegon over MI Hwy 120 to Hesperia, and return over the same route, serving all intermediate points; (4) Between Reed City, MI, and Ludington, MI, from Reed City over U.S. Hwy 10 to Ludington and return over the same route, serving all intermediate points; (5) Between St. Johns, MI, and Clare, MI, from St. Johns, over U.S. Hwy 27 to Clare and return over the same route, serving all intermediate points and the off-route points of Ithaca, Mount Pleasant, and Winn, MI: (6) Between Howard City and Newaygo, MI, from Howard City over MI Hwy 82 to Newaygo and return over the same route, serving no intermediate points. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 47583 (Sub-No. 65F), filed February 17, 1978. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Paper and plastic bags*, from the facilities of Great Plains Bag Corp. located at or near Jacksonville, AR, to points in AZ, CO, ID, IL, IA, IN, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, ND, OK, SD, TN, TX, UT, WI, and WY. (Hearing site: Kansas City, MO.)

NOTE.—Common control may be involved.

MC 51146 (Sub-No. 494F), filed April 5, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, and cellulose materials and products*, (except commodities in bulk), (a) from the facilities of International Paper Co., at or near Bastrop and Springhill, LA, and Moss Point and Redwood, MS, to points in IL, IN, IA, KY, MN, MO, ND, SD, TN, and WI; and (b) from the facilities of International Paper Co. at or near Moss Point and Redwood, MS, to points in MI and OH; and (2) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products, and cellulose materials and products (except commodities in bulk) from points in the destination States named in (1) (a) and (b) above, to the facilities of International Paper Co. at or near Mobile, AL; Bastrop and Springhill, LA; and Moss Point and Redwood, MS. (Hearing site: Chicago, IL.)

MC 55889 (Sub-No. 47F), filed March 31, 1978. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 2207, Dothan, AL 36301. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Eufaula and Opelika, AL: (a) from Eufaula over U.S. Hwy 431 to Opelika, and return over the same route; (b) from Eufaula over U.S. Hwy 431 to junction AL Hwy 169, then over AL Hwy 169 to Opelika and return over the same routes; (2) between Troy and Opelika, AL, from Troy over U.S. Hwy 29 to Opelika and return over the same route; (3) between Troy, AL and junction AL Hwy 26 and U.S. Hwy 431, from Troy over AL Hwy 223 to Union Springs, AL, then over U.S. Hwy 82 to junction AL Hwy 26, then over AL Hwy 26 to junction U.S. Hwy 431, and return over the same route; serving in connection with routes (1) through (3) all intermediate points in Henry, Geneva, Coffee, Dale, Pike, Bullock, Barbour, and Russell Counties, AL, and all other points in those eight counties as off/route points. (Hearing site: Montgomery or Birmingham, AL.)

MC 59396 (Sub-No. 27F), filed April 6, 1978. Applicant: BUILDERS EXPRESS, INC., R. D. Limecrest Road, Lafayette, NJ 07848. 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: *Roofing granules*, in bulk, in covered dump trailers, from facilities of GAF Corp. at or near Bound Brook, NJ, to the facilities of GAF Corp. at or near Erie, PA. (Hearing site: New York, NY.)

MC 61231 (Sub-No. 122F), filed April 7, 1978. Applicant: EASTER ENTERPRISES, INC., d.b.a. Ace Lines, Inc., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and wood products*, from points in Butte, Custer, Harding, Lawrence, Meade, and Pennington Counties, SD, to points in AZ, AR, CO, IL, IN, IA, KS, KY, MI, MN,

MO, MT, NE, NM, ND, OH, OK, SD, TX, WI, and WY. (Hearing site: Rapid City, SD, or Denver, CO.)

MC 61592 (Sub-No. 413F), filed February 6, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, IL 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, lumber, and lumber mill products* (except commodities in bulk), from Navajo, NM, to points in IL, IN, and MI. (Hearing site: Denver. CO.)

NOTE.—Common control may be involved.

MC 63417 (Sub-No. 152F), filed April 5, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas and electrical appliances and parts, materials, supplies, and equipment* used in the manufacturing, distribution, or repair of appliances, between the facilities of Whirlpool Corp. at Clyde, OH; Marion, OH; Findlay, OH; and Evansville, IN; on the one hand and on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC. (Hearing sites: Roanoke, VA, or Washington, DC.)

MC 63417 (Sub-No. 153F), filed April 5, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a *commmon carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except in bulk), from the facilities of Amoco Chemicals Corp., at or near Seymour, IN, to points in AL, AR, DE, DC, FL, GA, IL, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and (2) *materials and supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk), on return. (Hearing sites: Roanoke, VA, or Washington, DC.)

MC 63417 (Sub-No. 154F), filed April 5, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, iron or steel*, from Canton, MS, to points in AL, DE, DC, FL, GA, IL, IN, KY, MD, MI, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and WI. (Hearing sites: Roanoke, VA, or Chicago, IL.)

MC 71652 (Sub-No. 19F), filed April 4, 1978. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Highway, P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Ste. 2550, San Francisco, CA 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing or poultry netting; reinforcement concrete or plaster mesh wire; wire or barbed wire; and building, roofing, or sheathing paper*, from the plantsites and other facilities of Davis Walker Corp. located at or near the City of Commerce, City of Industry, Hayward, and Riverside, CA, and Kent, WA, to points in OR and WA; (2) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) above, from points in OR and WA to the plantsites and other facilities of Davis Walker Corp. located at or near the City of Commerce, City of Industry, Hayward, and Riverside, CA, and Kent, WA. (Hearing site: San Francisco, CA, or Portland, OR.)

MC 80430 (Sub-No. 167F), filed April 10, 1978. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, LaCrosse, WI 54601. Representative: Vernon Halbe, 455 Park Plaza, LaCrosse, WI 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wisconsin Beef Industries, Inc., at or near Eau Claire, WI, to points in MN, IA, MO, IL, MI, IN, and OH, restricted to the traffic originating at the above-named origins and destined to the named destination States. (Hearing site: St. Paul, MN.)

MC 86247 (Sub-No. 12F), filed April 5, 1978. Applicant: I. C. L. INTERNATIONAL CARRIERS, LTD., 1333 College Avenue, Windsor, ON, Canada N9C3Y9. Representative: Joseph P. Allen, 7701 West Jefferson, Detroit, MI 48209. Authority sought to operate as *common carrier*, over irregular routes, transporting: *Magnesite and high-temperature bonding mortar*, in bulk, in dump vehicles, from the plantsite of Martin Marietta Chemicals, Manistee, MI, to the ports of entry located on the international boundary between the United States and Canada, at Detroit and Port Huron, MI, restricted to foreign traffic with final destinations in ON, Canada. (Hearing site: Detroit, MI, or Washington, DC.)

NOTE.—Common control may be involved.

MC 95549 (Sub-No. 1016F), filed April 5, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed meats*, from New York, NY; Philadelphia, PA; and Wilmington, DE, to points in KY, OH, WV, IN, IL, MI, MO, WI, and MN. (Hearings site: New York, NY; Washington, DC; or Tampa, FL.)

NOTES.—Common control may be involved.

MC 103066 (Sub-No. 69F), filed April 5, 1978. Applicant: STONE TRUCKING CO., a corporation, P.O. Box 2014, Tulsa, OK 74101. Representative: Eugene D. Anderson, Suite 428, 910 Seventeenth Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C to 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 Fort Smith, AR; and Arkansas City, KS, points in AL, FL, GA, NC, and SC, restricted to traffic originating at the facilities utilized by John Morrell & Co. at or near the above-named origins and destined to the above-named destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 104430 (Sub-No. 51F), filed April 5, 1978. Applicant: CAPITAL TRANSPORT CO., INC., P.O. Box 408, McComb, MS 39648. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquified petroleum gas), in bulk, in tank vehicles, from Natchez, MS, to points in LA. (Hearings site: Jackson, MS.)

MC 104654 (Sub-No. 158F), filed April 6, 1978. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to engage in operation in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Spent petroleum oils*, in bulk, in tank vehicles, from points in IL, KY, OH, PA, MI, AL, MS, WI, TN, MN, WV, and GA, to Indianapolis, IN, and (2) *petroleum oils*, in bulk, in tank vehicles, from Indianapo-

lis, IN, to points in IL, KY, OH, PA, MI, AL, MS, WI, TN, MN, WV, and GA. (Hearing site: Detroit, MI, or Washington, DC.)

MC 106644 (Sub-No. 258F), filed April 11, 1978. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, GA 30301. Representative: Frank Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Aluminum ingots*, from the facilities of Kaiser Aluminum & Chemical, at or near New Orleans, LA, to the facilities of Kaiser Aluminum & Chemical, at or near Ravenswood, WV. (Hearing site: New Orleans, LA, or Washington, DC.)

MC 106674 (Sub-No. 317F), filed April 3, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid fertilizer solution in bulk*, in tank vehicles from the storage facilities of Agrico Chemical Co. at Burns Harbor, IN, to points in MI. IL, and WI. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 108119 (Sub-No. 87F), filed April 3, 1978. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. 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: *Mining machinery and component parts thereof*, from the facilities of Joy Manufacturing Co., located at or near Franklin PA, to points in the United States in and west of MN, SD, NE, CO and NM (except AK and HI). (Hearing site: Pittsburgh, PA or Washington, DC.)

NOTE.—Common control may be involved.

MC 109823 (Sub-No. 3F), filed April 5, 1978. Applicant: McGAUGHEY BROS., INC., Third & Center Streets, Leetsdale, PA 15056. Representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *Common carrier*, over irregular routes, transporting: *refractory products*, from the facilities of Corhart Refractories Division of Corning Glass Works, at Leetsdale, PA, to Buffalo, Dunkirk, Syracuse, and Watervliet, NY (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 111302 (Sub-No. 122F), filed April 3, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, TN 37919. Representative: David A. Petersen, P.O. Box 10470, Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals*, in bulk, in tank vehicles, from points in the United States, in and East of MN, IA, NE, KS, OK and TX, to the plantsite of Rohm and Haas Co., in Knoxville, TN. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

MC 111545 (Sub-No. 249F), filed April 7, 1978. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *source and special nuclear materials, radioactive materials, and empty shipping packaging for such commodities:* Between Piketon and Sargents, OH, on the one hand, and, on the other, Baltimore, MD; Norfolk and Portsmouth, VA; and Elizabeth, NJ. (Hearing site: Washington, DC.)

MC 111812 (Sub-No. 568F), filed April 3, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration from Milbank, SD to Allentown, Palmyra, PA; Champaign, IL; Springfield, MO; Atlanta, GA; Marathon, Medford, Wausau, WI; and New Ulm, MN; restricted to traffic originating at and destined to above named points. (Hearing site: Chicago, IL, or Minneapolis, MN.)

NOTE.—Common control may be involved.

MC 112573 (Sub-No. 10F), filed April 5, 1978. Applicant: RYE MCILLWAIN, 127 East Main Street, Parsons, TN 38363. Representative: Rye McIllwain, 127 East Main Street, Parsons, TN 38363. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *untreated cross ties and untreated lumber* from points in Wayne, Hardin, Decatur, Perry, Lewis, Hickman, Humphreys, Benton, Henderson, and Carroll Counties, to Guthrie, Kentucky, under a continuing contract or contracts with Koppers Co., Inc. (Hearing site: Memphis, TN.)

MC 113106 (Sub-No. 53F), filed March 31, 1978. Applicant: THE BLUE DIAMOND CO., 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* and *closures* therefor, *plastic containers* and closures therefor, *fibreboard boxes*, and *materials, supplies*, and *equipment* used in the manufacture and distribution of the aforesaid commodities from Clearfield and Jefferson Counties, PA, to DC, and MD. (Hearing site: Washington, DC.)

Note.—Applicant holds contract carrier authority in MC 144025, therefore dual operations may be involved.

MC 113267 (Sub-No. 361F), filed April 12, 1978. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), from points in WI, to the facilities of Kraft, Inc., at or near Decatur, GA, restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 113325 (Sub-No. 152F), filed April 6, 1978. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, MO 63104. Representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Agricultural pesticides*, in bulk, in tank vehicles, from the facilities utilized by Shell Chemical Co., a division of Shell Oil Co., at or near El Paso, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Houston, TX.)

MC 113651 (Sub-No. 268F), filed March 31, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Representative: Glen L. Gissing, P.O. Box 552, Muncie, IN 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and related products (except commodities in bulk), moving in vehicles equipped with mechanical refrigeration*, between the facilities of Louisville Freezer Center in Jefferson County, KY, on the one hand, and on the other, points in MD, NY, NJ, DC, WV, KY, IN, IL, IA, MI, OH, WI, KS, MO, TX, AR, LA, NE, OK, GA, FL, SC, NC, TN and MS. (Hearing site: Louisville, KY.)

MC 113651 (Sub-No. 271F), filed April 7, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: H. Barney Firestone, 10 South LaSalle Street, Suite

1600, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in sections A, B and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk and hides), from Wilmington, DE to points in IL, IA, OH, KY, MI, IN, MN, WI, MO, NE and PA. (Hearing site: Miami, FL, or Washington, DC.)

MC 114274 (Sub-No. 47F), filed April 5, 1978. Applicant: VITALIS TRUCK LINES, INC., 137 North East 48th Street Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co., at or near Bettendorf, IA, to points in IL, IN, MI, OH, KY, MN, MO, NE, KS, WI, and McKeesport, and New Stanton, PA, and returned, refused and rejected merchandise in the reverse direction, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations. (Hearing site: Chicago, Illinois.)

MC 114457 (Sub-No. 396F), filed March 30, 1978. Applicant: DART TRANSIT CO., a corportation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Newman Grove, NE, to points in IL, IN, MI, MN, NJ, NY, OH, PA, VT, and VA. (Hearing site: St. Paul, MN, or Omaha, NE.)

MC 114569 (Sub-No. 218F), filed March 31, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Timberville, VA, to Spokane and Seattle, WA, and Portland, OR. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

MC 114632 (Sub-No. 157F), filed April 7, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter, P.O. Box 287, Madison, SD 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Foodstuffs* (except commodities in bulk) from the facilities of King Food Division of International Multifoods, at or near St. Paul, MN, to points in the United States in and east of KS, NE, ND, OK, SD, and TX (except MN), restricted to traffic originating at the name facilities and destined to the named destination States. (Hearing site: Minneapolis, MN or Chicago, IL.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved.

MC 114632 (Sub-No. 159F), filed April 6, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Candy and Confectionery* from Boston, MA to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, AND WY. (Hearing site: Boston, MA or Chicago, IL.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved.

MC 114632 (Sub-No. 160F), filed April 12, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter, P.O. Box 287, Madison, SD 57042. 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 MCC 209 and 766; (except hides, and commodities in bulk), from Omaha, NE, to points in the United States (except AK and HI). (Hearing site: Omaha, NE, or Phoenix, AZ.)

NOTE.—Applicant holds motor contract authority in No. MC 129706, therefore dual operations may be involved.

MC 115331 (Sub-No. 452F), filed March 13, 1978. Applicant: TRUCK TRANSPORT INC., 29 Claytin Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Charcoal* (1) from Lanton in Howell County, MO to IL, IN, IA, KY, MI, OH, PA, TN and WI; and (2) from Steelville, MO to points in IL, IN, IA, KY, MI, OH, PA, TN, WI, AL, TX and WV. (Hearing site: St. Louis, MO.)

NOTE.—Common control may be involved.

MC 115669 (Sub-No. 168F), filed April 10, 1978. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, NE 68933. Representative: Howard N. Dahlsten, 101 West Edgar Street, P.O. Box 95, Clay Center, NE 68933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS and MO. (Hearing site: Omaha, NE.)

MC 115826 (Sub-No. 302F), filed April 3, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Terminal Annex, Denver, CO 80217. 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: *Foodstuffs* (except commodities in bulk) from points in WA, OR, ID, and UT, to points in AZ, CA, NM, CO, NV, WY, UT, OK, and TX. (Hearing site: Denver, CO.)

MC 115826 (Sub-No. 305F), filed April 7, 1978. Applicant: W. J. DIGBY, INC., 1960-31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Representative: Howard Gore, 1960-31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk moving in tank vehicles) from CO to points in the United States in and east of MN, IA, MO, AR, and LA (except AK and HI). (Hearing site: Denver, CO.)

MC 115826 (Sub-No. 306F), filed April 7, 1978. Applicant: W. J. DIGBY, INC., 1960-31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Representative: Howard Gore, 1960-31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products and articles distributed by meat packing houses*, as described in sections A and C of Appendix 1 to the *Report in Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, moving in tank vehicles), from Waterloo and Independence, IA, and St. Paul, MN, to points in GA, FL, LA, and TN. (Hearing site: St. Paul, MN.)

MC 116763 (Sub-No. 413F), filed April 6, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors and door sections*, from Clopay Corporation, at Ludlow, VT, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH,

PA, RI, and DC; and (2) *accessories and materials* used in the manufacture and installation of commodities named in (1) above, from points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, and DC, to Clopay Corp., at Ludlow, VT, restricted to traffic originating at and destined to the named points. (Hearing site: Boston, MA.)

MC 116763 (Sub-No. 414F), filed April 6, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold, distributed or used by persons engaged in the manufacturing, processing, or milling of grain and soybean products, (except commodities in bulk), between points in the United States in and east of ND, SD, NE, KS, OK, and TX, in non-radial movement, restricted to the transportation of traffic originating at, or destined to, the facilities of Central Soya Company, Inc., and further restricted to the transportation of traffic originating at and destined to points in the above named States. (Hearing site: Washington, DC.)

MC 116915 (Sub-52F), filed March 31, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Lumber, lumber products, wood products, plywood, building board, insulating materials and roofing materials* from points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX to points in the United States (except AK and HI). (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 117639 (Sub-12F), filed February 9, 1978. Applicant: PICK'S PACK HAULER, INC., 1214 East South Street, Hastings, NE 68901. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *brick and clay products* from the facilities of Cloud Ceramics, at or near Corcordia, KS, to points in MI, IN, IL, WI, MN, ND, SD, IA, NE, CO, OK, MO, TX, and AR, under continuing contract, or contracts, with Cloud Ceramics. (Hearing site: Lincoln, NE, or Wichita, KS.)

MC 117940 (Sub-271F), filed April 6, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen foods and potato products*, (except commodities in bulk) from the facilities of Ore-Ida Foods at Greenville, MI, to points in CT, DE, MD, MA, NH, NJ, NY, PA, VT, VA, WV, and DC. Restricted to traffic originating at the facilities of Ore-Ida Foods at named origin and destined to points in named destinations. (Hearing site: Boise, ID.)

MC 118263 (Sub-No. 69F), filed April 7, 1978. Applicant: COLDWAY CARRIERS, INC., Post Office Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier, 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 MCC 209 and 766, (1) From the facilities of Wilson Foods Corporation at Albert Lea, MN, to points in NC, SC, and VA; and (2) From the facilities utilized by Fischer Packing Co., a subsidiary of Wilson Foods Corp., at Louisville, KY, to points in VA (except Smithfield). Restriction: The authority as sought in (1) and (2) next above is restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 118806 (Sub-No. 61F), filed April 5, 1978. Applicant: ARNOLD BROS TRANSPORT, LTD., 851 Lagimodiere Boulevard, Suite 200, Winnipeg, MB, Canada R2J3K4. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *pesticides* (except in bulk) from Wyoming and Rockford, IL, to the ports of entry on the international boundary line between the United States and Canada, located at or near Pembina, ND, and Noyes, MN. Restriction: Restricted to the transportation of traffic moving in foreign commerce. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 119726 (Sub-No. 115F), filed February 17, 1978. Applicant: N. A. B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Malt Beverages, related advertising materials, and empty Malt Beverage Containers* between points in Duval County, FL, on the one hand, and, or the other, points in Fulton, Dekalb Muscogee, and Chattahoochee Counties, GA. (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 119741 (Sub-94F), filed April 6 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 3223 Fifth Avenue South, Fort Dodge, IA 50501. Representative: D. L. Robson, P.O. Box 1235, Fort Dodge, IA 50501. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meatpacking houses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the facilities of John Morrell & Co., at or near Sioux Falls, SD; St. Paul, MN; and Sioux City and Estherville, IA, to points in IL, IN, IA, MI, OH, and WI. Restriction: Restricted to traffic originating at the above-named origins and destined to the above-named destinations. (Hearing site: Chicago, IL.)

MC 119789 (Sub-449F), filed April 10, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, in packages, from Terre Haute and Indianapolis, IN, to points in OH, KY, NC, SC, VA, WV, MD, NJ, PA, DE, CT, RI, MA, ME, VT, NH, TN, MS, AL, GA, FL, and DC. (Hearing site: Los Angeles, CA.)

MC 119789 (Sub-450F), filed April 10, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, from the facilities of Peppertree Beef Co., at or near Denver, CO, to points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and DC. (Hearing site: Denver, CO.)

MC 119789 (Sub-457F), filed April 11, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *drugs, medicines,*

and related display and advertising material in mechanically refrigerated equipment, (1) from New Brunswick, Somerset, and South Plainfield, NJ, to Sharonville, OH, and (2) from Michigan City, IN, to LaMirada, CA, and (3) from Los Angeles, CA, to Houston, TX, and Atlanta, GA. (Hearing site: New York, NY.)

MC 121060 (Sub-59F), filed April 5, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *aluminum and aluminum articles*, from the facilities of Kaiser Aluminum and Chemicals Corp., at or near Ravenswood, WV, to points in AL, AR, GA, IL, IN, KY, LA, MI, MS, MO, NC, OH, PA, SC, TN, WI, and FL. (Hearing site: Charleston, WV, or Washington, DC.)

MC 123310 (Sub-16F), filed April 7, 1978. Applicant: DOUG ANDRUS & SONS, INC., 1820 Broadway, Idaho Falls, ID. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *sulphur*, in bags, from points in Yellowstone County, MT, to points in ID, OR, UT, and those points in WA in and east of the following counties: Okanogan, Chelan, Kittitas, Yakima, and Klickitat. (Hearing site: Boise, ID.)

MC 124692 (Sub-195F), filed February 28, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box, 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas, P.O. Box 4347, Missoula, MT 59806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Bentonite clay, processed clay and lignite* from (1) Belle Fourche, SD, to points in OK, TX, CA, AZ, NM; (2) from points in Crook County, WY, to points in the U.S. (except AK and HI); (3) from Upton and Lovell, WY to points in TX, OK, NM, NV, AZ, CA and from (4) Malta, MT to points in the U.S. (except AK and HI). Restriction: Restricted in parts (1) and through (4) above to traffic originating at the facilities of American Colloid Co. (Hearing site: Chicago, IL.)

MC 124692, (Sub-206F), filed April 5, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting *barium sulphate* from Dunphy, NV to the facilities of Baroid Division of NL Industries at Rio Vista, Isleton, and Bakersfield, CA. (Hearing site: Los Angeles, CA.)

MC 124905 (Sub-4), filed December 12, 1977. Applicant: GARY W. GRAY, P.O. Box 48, Delaware, NJ 07833. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting *waste sewage sludge* from Belvidere and Nutley, NJ to points in Northampton, Lehigh, and Monroe Counties, PA. (Hearing site: Washington, DC.)

MC 124947 (Sub-109F), filed April 7, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. 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 *steel beams, structural steel plates, nuts and bolts, machinery and parts* (except in bulk), (1) from the facilities of Commercial Shearing, Inc. at or near Youngstown, OH, Canton, OH, and Export, PA, to points in the U.S. (excluding AK and HI); and (2) from the facilities of Commercial stamping and Forging (a wholly owned subsidiary of Commercial Shearing, Inc.), at or near Bedford Park, IL, to points in the U.S. (excluding AK and HI). (Hearing site: Chicago, IL or Cleveland, OH.)

NOTE.—Common control may be involved.

MC 125433 (Sub-153F), filed April 7, 1978. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: David J. Lister, 1945 South Redwood Rd., Salt Lake City, UT 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irreguar routes, transporting *ski lift components and equipment* (except in bulk), from Carson City, NV, to points in the U.S. (excluding AK and HI). (Hearing site: Reno, NV or San Francisco, CA.)

NOTE—Common control may be involved.

MC 126358 (Sub-No. 13F), filed March 31, 1978. Applicant: BENNETT TRUCKING CO., P.O. Box 526, Hawkinsville, GA 31036. 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: (A) *Lumber, (except plywood and veneer;)* and (B) *wooden pallets* from Abbeville and Cochran, GA, to points in AL, SC, NC, VA, TN, KY, and FL. (Hearing site: Atlanta, GA.)

NOTE.—Common control may be involved.

MC 129387 (Sub-No. 66F), filed March 31, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, plastic articles, filters*, and (2) *holders, dispensers and racks* utilized in connection with the articles described in (1) above, from the facilities of American Convenience Products, Inc., in Milwaukee, WI, to Seattle and Spokane, WA, Portland, OR, San Francisco, Daly City, Los Angeles, and San Diego, CA, Salt Lake City, UT, and Phoenix, AZ, restricted to traffic originating at the named facilities and destined to the named destinations. (Hearing site: Milwaukee, WI.)

MC 134068 (Sub-No. 40F), filed March 31, 1978. Applicant: KODIAK REFRIGERATED LINES, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey, P.O. Box 1018, Denver, CO 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned pet foods* (except in bulk, in tank vehicles) from San Diego, CA, to points in CO, GA, IL, IA, MI, and OK. (Hearing site: Los Angeles, CA.)

NOTE.—Common control may be involved.

MC 134105 (Sub-No. 27F), filed April 5, 1978. Applicant: CELERYVALE TRANSPORT, INC., 1318 East 23d Street, Chattanooga, TN 37402. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except frozen foods and commodities in bulk): (1) From the facilities of Vlasic Foods, Inc., at or near Bridgeport, Imlay City, and Memphis, MI, and Millsboro, DE, to the facilities of Vlasic Foods, Inc. at or near Greenville, MS, and (2) from the facilities of Vlasic Foods, Inc. at or near Greenville, MS to points in the United States (except AK and HI), parts (1) and (2) restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Detroit, MI or Knoxville, TN.)

MC 134286 (Sub-No. 53F), filed April 5, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles M. Williams, Suite 350, Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meat, meat products, meat byproducts* and articles distributed by meat packinghouses as described in sections A and C of Appendix I, to the report in Description of Motor Carriers Certifi-

cates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities of Sioux Preme Packing Co. located at or near Sioux Center, IA, to points in CA, OR, and WA. (Hearing site: Sioux City, IA, or Denver, CO.)

NOTE.—Common control may be involved.

MC 134300 (Sub-No. 23F), filed March 27, 1978. Applicant: TRIPLE R EXPRESS, INC., 498 First Street NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foodstuffs and commodities* which are otherwise exempt under section 203(b)(6) of the Interstate Commerce Act, in the same vehicle with *frozen foodstuffs*, from Syracuse, NY, to points in MI, OH, and PA. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved.

MC 134755 (Sub-No. 144F), filed April 3, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. 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*, (except in bulk), between the facilities of Stokely-Van Camp, Inc., located at or near Lawrence, KS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Indianapolis, IN, or Kansas City, MO.)

NOTE.—Applicant holds contract carrier authority in MC 138393 Sub 2 and other subs thereunder, therefore dual operations may be involved. Common control may be involved.

MC 135684 (Sub-No. 76F), filed March 31, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plastic products and materials, supplies and equipment* used in the manufacture, sale and distribution of plastic products between Kent, OH, and points in the United States in and east of TX, OK, CO, NE, IA, and MN, (except states of AL, GA, FL, SC, and NC). (Hearing site: Washington, D.C., or Newark, DE.)

MC 135874 (Sub-118F), filed April 10, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street S., South St. Paul, MN 55075. Representative: K. O. Petrick, 550 East 5th Street S., South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic cocktail mixes, cooking wines, advertising and display materials and supplies* (except commodities in bulk), from the facilities of Holland House Brands Co., at or near Ridgefield, NJ, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: New York, NY.)

MC 135874 (Sub-121F), filed April 12, 1978. Applicant; LTL PERISHABLES, INC., 550 East 5th Street S., South St. Paul, MN. 55075. Representative: K. O. Petrick, 550 East 5th Street S., South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of American Home Foods, at or near Milton, PA, to LaPorte, IN. and Chicago, IL, restricted to traffic originating at the facilities of American Home Foods and destined to the named destinations. (Hearing site: New York, NY.)

NOTE.—Common control may be involved.

MC 135874 (Sub-122F), filed April 12, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street S., South St. Paul, MN. 55075. Representative: K. O. Petrick, 550 East 5th Street S., South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food houses and in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in CT, MA, RI, DE, NJ, NY, PA, MD, OH, IN, IL, CA, WA, and OR, to St. Paul, MN, restricted to transportation of traffic originating in the named States and destined to the facilities of Gourmet Foods, Inc., in St. Paul, MN. (Hearing site: St. Paul, MN.)

NOTE.—Common control may be involved.

MC 135902 (Sub-No. 6F), filed March 31, 1978. Applicant: KENNETH M. MOODY, d.b.a. K. M. MOODY, 3100 Dogwood Street, NW., Washington, DC 20015. Representative: David C. Venable, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, tranporting: *Tires and tubes and accessories for tires and tubes* (1) between Akron, Cincinnati, Columbus, and Dayton, OH, on the one hand, and, on the other, Harrisburg, New Cumberland, and York, PA, and Salisbury and Waldorf, MD; (2) between Carlisle, PA and Washington, DC, and (3) between Albany, GA and Philadelphia, PA, on the one hand, and, on the other, Baltimore, MD, Richmond, VA, and the District of Columbia, under a continuing contract with Friend's Tire & Fleet Service, Inc. (Hearing site: Washington, DC.)

MC 136636 (Sub-5F), filed April 5, 1978. Applicant: MIKE'S TRUCKING, INC., Rural Route 2, Bourbonnais, IL 60914. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories for the above-named commodities*, from De Kalb and Eureka, IL, to points in CT, DE, MD, MA, MI, NJ, OH, RI, VA, and WV. (Hearing site: Chicago, IL, or Washington, DC.)

MC 136786 (Sub-137F), filed April 10, 1978. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, MN 55344. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives* (except in bulk) from Camden, NJ, to points in AR, CO, IL, IN, IA, KS, MN, MO, NE, ND, OK, SD, WI. (Hearing site: Minneapolis, MN.)

MC 136828 (Sub-23F), filed March 31, 1978. Applicant: COOK TRANSPORTS, INC., 214 South 10th Street, Birmingham, AL 35233. 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: *Iron and steel articles* from Gadsden, AL to points in IL, IN, OH and PA. (Hearing site: Birmingham, AL or Nashville, TN.)

MC 138000 (Sub-37F), filed April 5, 1978. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes and sheets, corrugated or not corrugated, knocked down flat*, from the plant site of Boise Cascade Corp., located at or near Lumberton, NC, to points in VA and WV. (Hearing site: Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 123613 Sub 2 and other subs thereunder, therefore dual operations may be involved.

MC 139206 (Sub-35F), filed March 30, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564

Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: (1) *Glass, glass articles, glass products, doors, panels, cutters, glass cutting boards, mirror brackets, architectural panels, glass annealers, sealers, cabinets, glass pipe balls, glass blanks, acid buckets, pipe coolers, glass cylinders, door closures, aluminum extrusion, mirror boxes, aluminum, and aluminum articles, plastic circles and cases, plastic articles, pipe, tubing, gaskets, valves, piping, valve controls, and operators, tape, sinks, faucets, actuators, columns, diaphragms, fiberglass products, solvent recovery systems, store fixtures, circular dividers, glass insulation, and glass drills, and parts and accessories* therefor, and (2) *materials, equipment and supplies* used in the manufacture, processing, sale, distribution; polishing, assembly, repair, installation, packing and transportation of the commodities in (1) above (except commodities in bulk), between Hatboro, PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—Common control may be involved.

MC 139254 (Sub-15F), filed April 7, 1978. Applicant: BOOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: David A Turano, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases; carbon, gum, or sludge removing compounds; automotive filters, valves, and parts; fender covers; break fluids and compressor oils; antifreeze and engine coolant preparations; cleaning, scouring, washing, buffing, or polishing compounds; and display racks; and materials, equipment and supplies used in the manufacture, packaging, sale and distribution of said commodities,* between points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary Line between the United States and Canada, restricted against the transportation of commodities in bulk and further restricted to service performed under a continuing contract or contracts with STP Corp., of Ft. Lauderdale, FL. (Hearing site: Washington, DC, or Columbus, OH.)

NOTE.—Applicant holds motor common carrier authority in MC 142559 Sub 1, therefore dual operations may be involved. Common control may be involved.

MC 140023 (Sub-6F), filed: February 14, 1978. Applicant: COLUMBIA TRANSIT CORP., 404 Walnut Street, Waldo, AR 71770. Representative: James M. Duckett, 1021 Pyramid Life Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Wood residuals, consisting of wood chips, sawdust, bark and shavings, from points in La-Fayette County, AR, to points in Webster Parish, LA and points in Bowie and Cass Counties, TX.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Little Rock, AR.

MC 140033 (Sub-No. 48F), filed April 5, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: E. Larry Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245, Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in Descriptions in Motor Carrier Certificates, 61 MCC 283, from Gibson Metalux Corp. located at or near Americus, GA, to points in KS, MN, MO, MT ND, OK, SD, TX, WI, and WY. (Hearing site: Atlanta, GA or Dallas, TX.)

NOTE.—Applicant holds contract carrier authority in MC 142296 and subs thereunder, therefore dual operations may be involved.

MC 140186 (Sub-No. 26F), filed April 14, 1978. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: David A. Sutherlund, 1150 Connecticut Avenue NW., Suite 400, Washington, DC. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lumber, lumber products, wood, and wood products*, from points in WA, OR, ID, MT, and CA, to points in ND, SD, NE, KS, MN, IA, MO, IL, WI, and MT. (Hearing site: Portland, OR.)

MC 141417 (Sub-No. 1F), filed March 31, 1978. Applicant: SUPER SPEED DELIVERY & MESSENGER SERVICE, INC., 265 Route 46, Totowa, NJ 07517. 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: *Textiles and textile picture kits*, between Lynchburg, VA, Madison Heights, VA, Pawtucket, RI, Taylorsville, Statesville, Greenville, Aberdeen, Spindale and Williamston, NC, Greenville, Lugoff, Simpsonville, Wateree, Kingstree and Williamston, SC, on the one hand, and, on the other, Newburgh, NY, Derby, CT, Fall River and New Bedford, MA, Pawtucket, RI, and points in New Jersey on and north of U.S. Hwy 22. (Hearing site: New York, NY.)

MC 141781 (Sub-6F), filed March 31, 1978. Applicant: LARSON TRANSFER & STORAGE CO., INC., 950 West 94th Street, Minneapolis, MN 55431. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403.Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Bird feed; bran; flour; flour mixes, prepared, edible; wheat germ*, from the facilities of International Multifoods located at New Prague, New Ulm, and Wabasha, MN, to points in IA, NE, IL, and Sioux Falls, SD. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Applicant holds contract carrier authority in MC 128652 and others subs therefore dual operations may be involved.

MC 141804 (Sub-108F), filed April 10, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, TN 37072. 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: (1) *Internal combustion engines*, from Los Angeles, CA, to Olney, IL, (2) *nonmotorized children's vehicles* and *mopeds, parts and accessories*, from Olney, IL, to points in the United States (except AK, HI and IL), (3) *nonmotorized vehicles, parts and accessories*, from Little Rock, AR, to points in the United States (except AK, AR, and HI), and (4) *materials, parts and accessories*, between Little Rock, AR, and Olney, IL, Parts (1) through (4) are restricted to traffic originating at or destined to the facilities of AMF, Inc. (Hearing site: Nashville, TN or Chicago, IL.)

MC 142059 (Sub.-45F), filed March 31, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs* (except in bulk) from Jacksonville, IL, to points in CT, DC, DE, FL, MA, MD, ME, NH, NJ, NY, PA, RI, TX, CA, VT, WV, VA. (Hearing site: Washington, DC or Dallas, TX.)

MC 142539 (Sub-3F), filed April 12, 1978. Applicant: B.W.T. TRANSPORT, INC., 757 River Drive, Passaic, NJ 07055. Representative Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauces* (except in bulk), from Fair Lawn NJ, to Denver, CO, Chicago, IL, Indianapolis, IN, Des Moines, IA, Louisville, KY, Lawrence, MA, Detroit, MI, Minneapolis, MN, St. Louis and Kansas City, MO, Omaha, NE, Maple Heights and Fostoria, OH, and Wauwatosa, WI, under a continuing contract with Lea & Perrins, Inc., at Fair Lawn, NJ. (Hearing site: New York, NY.)

MC 143022 (Sub-1F), filed April 6, 1978. Applicant: ROUNDUP TRUCKING, INC., P.O. Box 311, Roundup, MT 59072. Representative: Joe Mikkelson, P.O. Box 311, Roundup, MT 59072. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular* routes, tranporting: *Lumber and treated posts* between Roundup, MT, and points in MN. (Hearing site: Billings or Roundup, MT.)

MC 143156 (Sub-1), filed January 27, 1978. Applicant: LARRY GENE MAUGER, d.b.a. LARRYS TRANSPORT, 26575, Saturn Way, Hemet, CA. 92343. Representative: Larry Gene Mauger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *recreational vehicles* in truckaway service, from the facilities of Skyline Corp. located at or near Hemet, CA, to points in AZ, OR, ID, MT, NV, NM, TX, UT, WA, WY. (Hearing site: Riverside, San Bernadino, or Los Angeles, CA.)

MC 143651 (Sub-4F), filed April 3, 1978. Applicant: BLACKHAWK EXPRESS, INC., P.O. Box 705, Lake View, IA 51450. Representative: Kenneth F. Dudley, 611 Church Street, P.O. 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from LeMars, LA, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Chicago, IL.)

MC 144082 (Sub-2F), filed April 4, 1978. Applicant: DIST/TRANS MULTI-SERVICES, INC. d.b.a. TAHAWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, P.O. Box 7191, Charlotte, NC 28217. Representative: William P. Jackson, Jr. 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are manufactured or distributed by electrical equipment and supply manufacturers*, from Anoka, MN, to Charlotte, NC. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Hoffman Engineering Co.; and (2) *Such Commodities as are used or distributed by carpet manufacturers* (except in bulk), (a) from Martinsville, VA, and Greenville and Spartanburg, SC, to the facilities of Coronet Carpets, Inc., at Dalton, Calhoun, and Gainesville, GA; and (b) from facilities of Coronet Carpets, Inc., at Dalton, GA, to points in IL, WI, MN, IA, and MI. Restricition: Restricted to transportation of shipments under a continuing contract or contracts with Cornet Carpets, Inc. (Hearing site: Washington, DC or Atlanta, GA.)

MC 144293 (Sub-4F), filed April 5, 1978. Applicant: GEORGE McFARLAND, SR., P.O. Box 21, Oakland, MN 56076. Representative: Thomas J. Beener, Waterloo Savings Bank Building, Suite 340 West Park at Cedar, P.O. Box 5000, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (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 MCC 209 and 766, from the plant site and warehouse facilities of Wilson Foods Corp. located at Albert Lea, MN, to points in IL. Restricted to the transportation of traffic originating at the above named origin and destined to the named destinations. (Hearing site: Minneapolis-St. Paul, MN.)

MC 144505F, filed: March 31, 1978. Applicant: DOYLE LOVE, d.b.a., LOVE TRUCKING, Route 1, Box 438, Mabank, TX 75147. Representative: Thomas L. Cook, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Motorcyles* from Baton Rouge and New Orleans, LA, to points in TX, on, north, and east of U.S. Hwy. 190, beginning at the LA-TX State line, to its intersection with U.S. Hwy. 281, then north on U.S. Hwy. 281 to the TX-OK State line. (Hearing site: Dallas, TX.)

MC 144546F, filed March 31, 1978. Applicant: LAWYER TRUCKING, INC., P.O. Box 186, Mooresville, IN 46158. Representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Brick, cinder block, tile, clay and clay products, shale and shale products, concrete and concrete products, and materials and supplies used in the manufacture thereof*, between points in the United States in and east of MN, IA, MO, AR, and LA including points in NE and CO. (Hearing site: Indianapolis, IN, or Louisville, KY).

NOTE.—Common control may be involved.

MC 144548F, filed March 31, 1978. Applicant: INDIAN TRUCKING CO., INC., 60669 Orange Road, South Bend, IN 46614. Representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Slag*, from the facilities of the Levy Co., Inc., at Portage, Burns Harbor, and South Bend, IN to points in IL, IA, KY, OH, MI, and WI. Restricted to a contract or continuing contracts with the Levy Co., Inc. (Hearing site: Chicago, IL.)

MC 144644 (Sub-1F), filed April 5, 1978. Applicant: THOMAS GOOLSBY, d.b.a. THOMAS GOOLSBY TRUCKING, P.O. Box 889, Washington, GA 30673. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings and sawdust*, in bulk, in carrier or shipper owned trailers, from the facilities of the Continental Group, Inc., in Saluda and Greenwood Counties, SC, to points in GA, under a continuing contract or contracts with the Continental Group, Inc., at New York, NY. (Hearing site: Atlanta, GA.)

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18660 Filed 7-5-78; 8:45 am]

[7035-01]

[Volume No. 102]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICIATION, INTEPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

JUNE 28, 1978.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstate-

ment of terminated operating rights authority.

All pleadings and documents must clearly specify 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 on or before August 7, 1978. 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 serve concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 4426 (M1F) (notice of filing petition to modify certificate), filed April 25, 1978. Petitioner: M. & T. TRANSPORT, INC., P.O. Box 292, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13202. Petitioner holds a motor *common carrier* certificate in No. MC 4426, issued November 1, 1977, authorizing transportation, over irregular routes, of *Machinery, telephone and telegraph equipment,* and *contractors equipment,* between Syracuse, NY, on the one hand, and, on the other, points in CT, MA, NJ, PA, RI, and NY. By the instant petition, petitioner seeks to modify the above authority to read as follows: (1) *Materials, parts, assemblies* and *accesories and equipment* used or useful in the construction or maintenance of telephone and telegraph systems, and (2) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and related *contractors' materials* and *supplies,* when their transportation is incidental to the transportation of commodities which by reason of size or weigh require special equipment, between Syracuse, NY, and points in NY within 25 miles of Syracuse, on the one hand, and, on the other, points in CT, MA, NJ, NY, RI, OH, and PA.

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 on or before August 7, 1978. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special Rule 247(e) of the Commission's "General Rules of Practice" (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 15735 (Sub-No. 27) (Republication), filed February 4, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, and republished this issue. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, CA 90014. An Order of the Commission, Division 1, decided March 30, 1978, and served May 8, 1978, finds that the present and future public convenience and necessity require operations by applicant to interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of *Furniture furnishings, appliances, store and office fixtures, kitchen fixtures and equipment, and institutional fixtures and equipment,* all new and uncrated, between points in CA, OR, and WA, on the one hand; and, on the other, points in the United States (except AK and HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description.

No. MC 126545 (Sub-No. 12) (Republication), filed October 17, 1977, published in the FEDERAL REGISTER issue of December 8, 1977, and republished this issue. Applicant: GLENERY, INC., 173 Hickory Street, Kearny, NJ 07032. Representative: William J. Augello, 120 Main Street, Huntington, NY 11743. An Order of the Commission, Review Board No. 2, decided April 13, 1978, and served May 3, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier* over irregular routes, in the transportation of *Nonferrous metals,* between Brooklyn, NY, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, ME, MD, MI, MS, MO, NC, OH, SC, TN, VA, and DC, under a continuing contract with Standard White Metals Corp., of Brooklyn, NY, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the commodity description, and add Ohio as a destination point.

No. MC 134286 (Sub-No. 30) (Republication), filed September 26, 1977, published in the FEDERAL REGISTER issue of November 17, 1977, and republished this issue. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. An Order of the Commission, Review Board No. 1, decided June 5, 1978, and served June 9, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of *foodstuffs,* in vehicles equipped with mechanical refrigeration, (1) between the facilities of Sunmark Co.'s, at or near Itasca, IL, and its facilities at or near St. Louis, MO; and (2) from the facilities of Sunmark Co.'s, at or near Itasca, IL, and its facilities at or near St. Louis, MO, to points in MD, MA, NJ, NY, and PA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description.

No. MC 135684 (Sub-No. 19) (M1) (Republication of petition for modification), filed October 14, 1977, published in the FEDERAL REGISTER issue of January 19, 1978, and republished this issue. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. A Decision of the Commission, served June 20, 1978, finds that the present and future public convenience and necessity require modification of petitioner's Certificate No. MC-135684 (Sub-No. 19) served September 15, 1977 (corrected Certificate served May 9, 1978), to authorite petitioner to conduct operations in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper articles,* from Crossett, AR, to points in ME, NH, VT, MA, RI, NY, NJ, PA, DE, MD, VA, and OH; and *materials, supplies and equipment* (other than bulk)

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

used in the manufacture and distribution of plastic articles and *paper articles and returned shipments of plastic articles and paper and paper articles,* from ME, NH, VT, MA, RI, NY, NJ, PA, DE, MD, VA, OH, IL, IN, and WV to Crossett, AR; said operations are restricted to traffic originating at or destined to facilities of Bemis Co., Inc., and said operations are restricted to traffic originating at points in the above-named origin territory and destined to points in the above-named destination territory; that petitioner is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the territorial description to conform to the corrected Certificate which was served after the original publication of this petition.

No. MC 139495 (Sub-No. 340F) (Correction), filed March 31, 1978, published in the FEDERAL REGISTER issue of June 22, 1978, and republished as corrected this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by retail and chain grocery, hardware, and drug stores, in containers, from the facilities of Purex Corp. at points in Los Angeles and Orange Counties, CA, to points in AZ, CO, ID, NV, NM, OR, TX, UT, and WA; and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities described in (1) above, except in bulk, from above-named destination states to above-named origin. Note: The purpose of this correction is to indicate the correct abbreviation for New Mexico as NM in lieu of MN. (Hearing site: Washington, DC.)

No. MC 142070 (Sub-No. 4) (Republication), filed September 2, 1977, published in the FEDERAL REGISTER issue of October 27, 1977, and republished this issue. Applicant: NEW HAMPSHIRE SECURITY GUARD SERVICE, INC., 548 Mast Road, Manchester, NH 03102. Representative: Arthur R. Bussiere (same address as applicant). An Order of the Commission, Review Board No. 3, decided June 6, 1978, and served June 20, 1978, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a *contract carrier* over irregular routes, in the transportation of *Checks* (not cancelled), *nonnegotiable documents* for computer processing, *intercompany correspondence and computer printed reports,* (1) between the Bank of New Hampshire, N.A., at Manchester, NH, on the one hand, and, on the other, the Showmut National Bank and the Federal Reserve Bank, at Boston, MA, and the State Street Bank, at Quincy, MA; and (2) between Indian Head National Banks, Inc., at Nashua, NH, and Bellows Falls Trust Co., at Bellows Falls, VT, under a continuing contract, or contracts, with the Bank of New Hampshire, N.A., at Manchester, NH, and the Indian Head National Bank, at Nashua, NH, will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the territorial description.

No. MC 142837 (Sub-No. 1) (Republication), filed October 7, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and republished this issue. Applicant: BARBER TRUCKING, INC., 19140 Southeast 359th Place, P.O. Box 685, Sandy, OR 97055. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. An Order of the Commission, Review Board No. 3, decided May 31, 1978 and served June 12, 1978, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of: (1) *such commodities* as are dealt in by building material yards, (A) from points in OR, WA, and that portion of CA north of Santa Cruz, Santa Clara, Stanislaus Tuolomne, and Mono Counties, CA, to points in CO, IN, and MI, and to Lander and Kemmerer, WY; and (B) from Denver, CO, to Lander, WY, and Portland, OR; (2) *sheetrock,* (A) from Cody, WY, to Denver, CO; and (B) from Sigurd, UT, to Portland, OR; (3) *buildings, wooden, fabricated, knocked down,* from Coopersville, MI, to Portland, OR; and (4) *heat recovery equipment,* (A) from Newberg, OR, to points in the United States (except AK and HI); and (B) from Cincinnati, OH, to Newberg, OR, under a continuing contract, or contracts, with ERB Lumber Co.; Plymart, Inc.; and Allied Air Products Co., Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the commodity description in (1), and broaden the territorial description in (1)(A).

No. MC 143525 (Republication), filed July 18, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished this issue. Applicant: ANDY KING, d.b.a. ANDY'S GARAGE, 309 North Main Street, Perryville, MO 63775. Representative: Kim R. Moore, 11 North Main Street, Perryville, MO 63775. An Order of the Commission, Review Board No. 2, decided June 7, 1978, and served June 20, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of *wrecked and disabled motor vehicles,* by use of wrecker equipment only, between Perryville, MO, and Chester and Steeleville, IL, on the one hand, and, on the other, points in the United States, (except AK and HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the origin point by adding Chester and Steeleville, IL.

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 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. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All plead-

ings 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 applicaion.

Further processing steps will be by Commission decision which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 340 (Sub-49F), filed March 31, 1978. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, TX 78208. Representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Such *merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses (except in bulk, in tank vehicles), in mechanically refrigerated equipment, from the facilities of Kraft, Inc. at Garland, TX, to points in LA, MS, TN, AR, OK, KS, and MO. (Hearing site: Dallas or San Antonio, TX.)

MC-340 (Sub-50F), filed April 10, 1978. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, TX 78208. Representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts,* and *articles distributed by meat packing-houses,* as described in sections A and C of appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), between the facilities of Vernon Calhoun Packing Co., at Palestine, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, FL, GA, IL, IN, KS, KY, LA, MS, MO, NM, NC, OK, SC, TN, and VA. (Hearing site: Dallas TX or San Antonio, TX.)

MC-43867 (Sub-No. 42F), filed April 3, 1978. Applicant: A. LEANDER McALISTER TRUCKING CO., a corporation, P.O. Box 2214, Wichita Falls, TX 76307. 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) *Bentonite clay, lignite coal,* treated or untreated (except in bulk), and *drilling mud additives* from the facilities of American Colloid Co., in Crook County, Casper, WY; and Phillips County, MT, to all points in the U.S. (except AK and HI). (2) *Lignite coal,* treated or untreated (except in bulk) from the facilities of American Colloid Co., at or near Gascoyne, ND to points in LA, OK, TX, NM, AZ, and CA. (3) *Bentonite clay, lignite coal,* treated or untreated (except in bulk), from the facilities of American Colloid Co., at or near Lovell, WY, Upton, WY, and Belle Fourche, SD to points in the states of AZ, CA, LA, NM, OK and TX. (4) *Foundry molding sand treating compound and foundation water impedance boards* from the facilities of American Colloid Co., Belle Fourche, SD, to points in the states of CA, LA, and TX. (Hearing site: Chicago, IL.)

MC 61396 (Sub-No. 350F), filed April 7, 1978. Applicant: HERMAN BROS. INC., 2565 Saint Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: John E. Smith, II, 2565 Saint Marys Avenue, P.O. Box 189, Omaha, NE 68101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oils, and residual fuel oil,* in bulk, in tank vehicles, from points in WY, to points in NE. (Hearing site: Omaha, NE).

MC 61506 (Sub-No. 33F), filed April 10, 1978. Applicant: RUSSELL TRANSFER CO., INC., P.O. Box 829, Washington, GA 30673. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Fibreboard containers,* and *tops, ends and closures* therefor, from the plantsite of Container Corp. of America, at or near Atlanta, GA, to points in Charleston County, SC, under a continuing contract, or contracts, with Container Corp. of America. (Hearing site: Atlanta, GA.)

MC 63417 (Sub-No. 136F) (correction), filed March 13, 1978, published in the FEDERAL REGISTER issue of April 27, 1978, and republished this issue. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, vehicle body sealer, and sound deadener compound,* (except commodities in bulk), from the facilities of Witco Chemical Corp., at Houston, TX, to points in AL, AR, FL, GA, LA, MS, MO, OK, NC, and SC.

NOTE.—The purpose of this republication is to reflect the State of AR as a destination point, in lieu of AK, which was incorrectly published in the FEDERAL REGISTER. (Hearing site: Roanoke, VA or Washington, DC.)

MC 82079 (Sub-No. 60F), filed March 31, 1978. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Authority sought to operate as a *common carrier,* by motor vehicles, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Continental Freezers, Inc., in Chicago, IL, to points in MI and IN, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Lansing, MI or Chicago, IL.)

MC 105461 (Sub-No. 99F), filed March 31, 1978. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (Same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers.* Between the facilities of Midland Glass Co., Inc. at or near Cliffwood, NJ, on the one hand, and, on the other, points in NY (Except points in Madison, Oneida, Onondaga and Wayne Counties, NY, and points within 35 miles of Newark, NJ). (Hearing site: Washington, DC, or NJ.)

MC 105813 (Sub-No. 239F), filed April 4, 1978. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 1936, Ocala, FL 32670. 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: *Frozen foods* from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in AL, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NC, SC, ND, SD, OH, TN, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 105881 (Sub-56F), filed April 10, 1978. Applicant: M. R. & R. TRUCKING CO., a corporation, P.O. Box 1000, Staunton, VA 24401. Representative: Thomas N. Willess, 1000 Sixteenth Street NW., Washington, DC 20036. 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 explo-

sives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). Serving the facilities of the K-Mart Corp., located at Coweta County, GA, as an off-route point in connection with applicant's authorized regular route operations. (Hearing site: DC, or Atlanta, GA.)

NOTE.—Common control may be involved.

MC 107445 (Sub-17F), filed April 3, 1978. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, IN 46225. Representative: Mr. K. Clay Smith, P.O. Box 33051, Indianapolis, IN 46203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, from the facilities of American Hercules Mfg. Co., Inc., at Shelbyville, IN, to points in the United States (except HI), but including AK. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 108460 (Sub-64F), filed April 5, 1978. Applicant: PETROLEUM CARRIERS CO., a corporation, P.O. Box 762, Sioux Falls, SD 57101. Representative: Gary Mundhenke, (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Algona and Iowa Falls, IA, to points in SD, MN, and IA. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

NOTE.—Common control may be involved.

MC 111401 (Sub-520F), filed April 3, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Natural latex*, in bulk, from houston, TX to points in TX and OK; (2) *liquid fertilizer solutions*, in bulk, from Blair, NE to points in TX: and (3) *chemicals*, in bulk, from Arab, AL to ports of entry on the International Boundary Line between the United States and Mexico located in TX. (Hearing site: Kansas City, KS or St. Louis, MO.)

MC 111812 (Sub-561F), filed April 6, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, SD 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meat, meat products, meat byproducts, dairy products and articles* distributed by meat packinghouses as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from Estherville, Sioux City, and Humboldt, IA, Sioux Falls, SD, and St. Paul, MN, to points in AL, AR, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 111812 (Sub-562F), filed April 6, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, SD 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the facilities of Ore-Ida Foods, Inc., and Terminal Ice & Cold Storage Co., at or near Plover, WI, to points in CT, DE, FL, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, TN, VT, VA, WV, and DC. Restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Madison, WI.)

MC 114533 (Sub-No. 370F), filed April 6, 1978. Applicant: BANKERS DISPATCH CORP. 1106 West 35th Street, Chicago, IL 60609. Representative: Melvin L. Rosenbloom (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restorative dentistry products*, between Peoria, IL, on the one hand, and, on the other, St. Louis, MO. (Hearing site: Chicago, IL, or St. Louis, MO.)

NOTE.—Applicant holds contract carrier authority under MC 120616 and subs thereunder, therefore, dual operations may be involved.

MC 116519 (Sub-51F), filed June 7, 1978. Applicant: FREDERICK TRANSPORT LTD., Rural Route 6, Chatham, ON, Canada M7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (2) *agricultural machinery and equipment*, (3) *lawn and leisure products*, (4) *equipment* designed for use in connection with the commodities described in (1), (2), and (3) above, and (5) *attachments and castings* for the commodities named in (1), (2), (3), and (4), above, from points in OH and IA, to the ports of entry on the international boundary line between the United States and Canada in MI and NY, Restricted to traffic moving in foreign commerce, and further restricted to the transportation of traffic destined to the facilities used by White Farm Equipment, a division of White Motor Co. of Canada Ltd. in the Provinces of ON, PQ, NB, NS, PE, and NF. (Hearing site: Washington, DC.)

NOTE.—It is recommended that applicant's initial evidentiary disclosure include a list of the commodities it desires to transport.

MC 116710 (Sub-34F), filed April 10, 1978. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bossier City, LA 71010. Representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, TX 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Virgin sulphuric acid and spent sulphuric acid*, between the plantsite of Stauffer Chemical Co., at or near Baton Rouge, LA and plantsite of Macmillan Ring-Free Oil Co., Inc. at or near Norphlet, AR, under continuing contract with Stauffer Chemical Co. (Hearing site: Baton Rouge or New Orleans, LA.)

MC 117639 (Sub-13F), filed April 10, 1978. Applicant: PICK'S PACK HAULER, INC., 1214 East South St., Hastings, NE 68901. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* and *clay products*, from the facilities of Sioux City Brick and Tile, at or near Sergeant Bluff, IA, to points in NE, under a continuing contract or contracts with Sioux City Brick and Tile, of Sioux City, IA; Lumbermen's Brick and Supply Co., of Omaha, NE; and Yankee Hill Brick Manufacturing, of Lincoln, NE. (Hearing site: Lincoln, NE.)

MC 117883 (Sub-225F), filed April 6, 1978. Applicant: SUBLER TRANSFER, INC., 100 Vista Drive, Versailles, OH 45380. Representative: Neil E. Hannan, P.O. Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and carbonated beverages* (except malt beverages and commodities in bulk) from Phelps, Shortsville, Alton, LeRoy, Oakfield, South Dayton, Leicester, and Brockport, NY, to points in IN, IL, IA, KS, MI, MN, OH, and WI. Restriction: restricted to the transportation of shipments originating at the facilities of or utilized by Curtice-Burns, Inc., at the named origins and destined to the indicated destinations. (Hearing Site: Washington, DC.)

MC 118370 (Sub-3F), filed April 10, 1978. Applicant: BANANA TRANSPORT, INC., 12712 North Oregon Ave., Tampa, FL 33612. Representative: John G. Hardeman, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Bananas* from Tampa, FL to Birmingham, Mobile, and Montgomery, AL; Detroit, Flint, Grand Rapids, and Saganaw, MI; Evansville, Fort Wayne, Indianapolis, LaFayette, and Terre Haute, IN; Cleveland, Columbus, and Dayton, OH; Tupelo, MS; East St. Louis, Chicago, and Milan, IL; Green Bay, Madison, Milwaukee, and Sheboygan, WI; St. Louis, and Sikeston, MO; Greenville, and Spartanburg, SC; Buffalo, NY; Chattanooga, Knoxville, and Memphis, TN; Dry Ridge, Louisville, and Nicholasville, KY; Charlotte, and Raleigh, NC; and Charleston, and Huntington, WV. (Hearing site: Miami, FL or Washington, DC.)

MC 119176 (Sub-No. 20F), filed March 31, 1978. Applicant: THE SQUAW TRANSIT CO., a corporation, P.O. Box 9368, Tulsa, OK 74107. 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: *Bentonite clay and lignite coal*, (except commodities in bulk), from points in Crook County, WY, and those in Phillips County, MT, to points in the United States (except AK and HI); restricted to traffic originating at the facilities of American Colloid Co. (Hearing site: Chicago, IL or Tulsa, OK.)

MC 119493 (Sub-No. 193F), filed April 6, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, (a) from Greenville, MS, to points, in AL, AR, GA, LA, MS, NC, OK, SC, TN, and TX, and (b) from Kansas City, KS, to points in GA. (Hearing site: Kansas City or Joplin, MO.)

MC 119522 (Sub-No. 37F), filed March 21, 1978. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, IN 46011. Representative: John B. Leatherman, Jr., 2425 Walton Street, Anderson, IN 46011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides* (except in bulk), from the facilities of Shell Chemical Co., a division of Shell Oil Co., at or near El Paso, IL to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

Note.—Common control may be involved.

No. MC 119767 (Sub-No. 340F), filed April 6, 1978. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen Foods* (except commodities in bulk), from Plover, WI, to points in IA and OH, and (2) *Returned, refused or rejected merchandise*, from IA and OH, to Plover, WI, restricted to traffic in (1) and (2) from and to facilities of Terminal Ice and Cold Storage Co. or Ore-Ida Foods, Inc. at Plover, WI and to and from the States named. (Hearing site: Chicago, IL, or Milwaukee, WI.)

No. MC 121372 (Sub-No. 3F), filed March 31, 1978. Applicant: EXPRESS TRANSPORT CO., a corporation, 1333 West Seventh Street, Cincinnati, OH 45203. Representative: Norbert B. Flick, 715 Executive Building Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Articles*, between Clarksville, OH, on one hand, and on the other points in IL, IN, KY, MI, PA, WV. (Hearing site: Cincinnati, OH.)

No. MC 123061 (Sub-No. 95F), filed April 6, 1978. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 310 South Main, Salt Lake City, UT 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metal for recycling*, from points in UT, to points in CO, CA, and IL. (Hearing site: Salt Lake City, UT.)

MC 123255 (Sub-No. 155F), filed April 5, 1978. Applicant: B. & L. MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, OH 43055. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting *paper and paper products* from the Facilities of Westvaco Corp. located at or near Wickliffe, KY to points in the United States (except AK and HI). (Hearing site: Columbus OH.)

Note.—Common control may be involved.

MC 123255 (Sub-No. 157F), filed March 31, 1978. Applicant: B. & L. MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, OH 43055. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting *glass containers and fibreboard boxes* from Streator, IL, to points in NY and NJ. (Hearing site: Columbus, OH.)

MC-123887 (Sub-12F), filed April 10, 1978. Applicant: L. J. NAVY TRUCKING CO., a corporation, 2300 Eighth Avenue, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, and used empty containers on return (1) from Eden, NC, to Charleston, Huntington and Williamson, WV, (2) from Newark, NJ, to Huntington, WV, and Ironton, and Portsmouth, OH, and (3) from Peoria, IL, and Milwaukee, WI, to Ironton, and Portsmouth, OH. (Hearing site: Charleston, WV.)

MC 124170 (Sub-89F), filed April 10, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sugar* (except in bulk), from Brooklyn, NY, Philadelphia, PA, Baltimore, MD, to points in MI and, (B) *Foodstuffs* from the facilities of American Sugar, Division of Amstar Corp. at Pitman, NJ, to points in MI. (Hearing site: New York, NY or Washington, DC.)

MC 124579 (Sub-23F), filed March 31, 1978. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, OH 44839. Representative: James Duvall, Post Office Box 97, 220 West Bridge Street, Dublin, OH 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and products thereof*, in bulk, in tank vehicles, (1) from the facilities of Central Soya at or near Bellevue, OH, to points in IN, MI, NY, and PA, and (2) from Decatur, IN, to Bellevue, OH. (Hearing site: Columbus, OH.)

MC-124896 (Sub-55F), filed April 10, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, and polyethylene articles* (except commodities in bulk), from the facilities of Jemco Packaging Products Co., at or near Jackson, TN, to points in DE, DC, FL, GA, IL, IA, MD, MN, MO, NJ, NY, NC, OH, PA, SC, VA, WV, and WI, restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (Hearing site: Nashville, TN.)

No. MC 125335 (Sub-No. 14F), filed April 10, 1978. Applicant: GOODWAY, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O.

Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Estherville, Humboldt, and Sioux City, IA, and Sioux Falls, SD, to points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, VA, WV, and DC. Restricted to traffic originating at the above-named origins and destined to the above-named destinations. (Hearing site: Chicago, IL, or Harrisburg, PA.)

NOTE.—Common control may be involved.

No. MC 125335 (Sub-No. 15F), filed April 10, 1978. Applicant: GOODWAY, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Estherville, Humboldt, and Sioux City, IA, and Sioux Falls, SD, to points in TN, KY, AL, GA, NC, SC, and FL. Restricted to traffic originating at the above-named origins and destined to the above-named destinations. (Hearing site: Chicago, IL, or Harrisburg, PA.)

NOTE.—Common control may be involved.

No. MC 125335 (Sub-No. 16F), filed April 10, 1978. Applicant: GOODWAY, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of Scott Paper Co., at or near Mobile, AL, to points in FL. (Hearing site: Philadelphia or Harrisburg, PA.)

NOTE.—Common control may be involved.

MC 125433 (Sub-154F), filed April 3, 1978. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *composition roofing in rolls* (except in bulk), from Bakersfield, CA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

NOTE.—Common control may be involved.

MC 126305 (Sub-92F), filed April 5, 1978. Applicant: BOYD BROS. TRANSPORTATION CO., INC., R.D. 1, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm equipment, outdoor power products, materials and supplies* (except commodities in bulk) (1) From East Moline, Rock Island, Canton, IL; Louisville, KY; Memphis, TN; to points in AL, GA, (2) from the ports of Savannah, GA; Mobile, AL; and New Orleans, LA, to points in AL and GA, (3) from Gulfport, MS, to points in AL, FL, GA, and TN. Restricted to shipments originating at and destined to the above points. (Hearing site: Birmingham or Montgomery, AL.)

MC 126358 (Sub-15F), filed March 31, 1978. Applicant: BENNETT TRUCKING CO., P.O. Box 526, Hawkinsville, GA 31036. 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: *Lumber* (except plywood and veneer), from Perry, Cordele, and Fitzgerald, GA to points in AL, MS, SC, NC, KY, VA, TN, and OH. (Hearing site: Jacksonville, FL.)

NOTE.—Common control may be involved.

MC 127042 (Sub-212F), filed March 31, 1978. Applicant: HAGEN, INC., 3232 Highway 75 North, Sioux City, IA 51105. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides* (except in bulk), from the facilities of Shell Chemical Co., a division of Shell Oil Co., at or near El Paso, IL, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 127274 (Sub-47F), filed April 6, 1978. Applicant: SHERWOOD TRUCKING, INC., P.O. Box 2189, Muncie, IN 47302. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *glass containers*, from the facilities of Kerr Glass Manufacturing Corp., at Dunkirk, IN, to points in MI. (Hearing site: Indianapolis, IN.)

MC 127705 (Sub-56F), filed April 6, 1978. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *glass containers*, from the facilities of Kerr Glass Manufacturing Corp., at Dunkirk, IN, to points in MI. (Hearing site: Indianapolis, IN.)

MC 128273 (Sub-297F), filed April 3, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured, dealt in or distributed by sporting goods stores, between Milwaukee, WI, Richmond, IN, and Torrance, CA, on the one hand, and, on the other, points in the United States (except AK and HI); (2) *Bicycles, accessories and parts, materials, equipment, and supplies* used in the manufacture, distribution, and sale of bicycles, between Azusa and/or City of Industry, CA, on the one hand, and, on the other, points in the United States (except AK, CA, and HI); (3) *Bicycles, tricycles and parts, materials, equipment, and supplies* used in the manufacture, distribution and sale of bicycles and tricycles, between Celina, OH, on the one hand, and, on the other, points in the United States (except AK, HI, and OH); and (4) *Automotive parts, accessories and service equipment, and materials, equipment, and supplies* used by automotive service and supply dealers, between Delphos, OH, on the one hand, and, on the other, points in the United States (except AK, HI, and OH). (Hearing site: Dayton, OH, or Washington, DC.)

MC 128343 (Sub-38F), filed April 10, 1978. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical* and *automotive goods, appliances, equipment, parts*, and *related accessory items* used in the manufacture and distribution thereof, from River Grove, IL to points in the United States (except AK and HI) (2) *materials, equipment*, and *supplies* (except in bulk) used in the manufacture and distribution of the commodities described in (1) above, from points in the United States (except AK and HI) to River Grove, IL. Restriction: The operations are to be limited to a transportation service to be performed under a continuing contract, or contracts, with Avnet, Inc. (Hearing site: Boston, MA, or Washington, DC.)

NOTE.—Applicant holds motor common carrier authority in No. MC 138861 and subs

thereunder, and therefore dual operations may be involved. Common control may be involved.

MC 128383 (Sub-76F), filed March 31, 1978. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Representative: Leonard C. Zucker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, Class A and B explosives), between Cincinnati, Cleveland, Columbus, and Dayton, OH; Indianapolis, IN; Chicago, IL; and Milwaukee, WI, in nonradial movements. (Hearing site: NY, or Philadelphia, PA.)

MC 129226 (Sub-6F), filed April 6, 1978. Applicant: TO-JON TRUCKING, INC., 6 Verly Court, Bethpage, NY 11714. 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: Such commodities as are dealt in or used by department stores, between New York, NY, on the one hand, and, on the other, points in MA, RI, CT, NY, and NJ, under a continuing contract, or contracts, with Service Merchandise Co., Inc., of Nashville, TN. (Hearing site: New York, NY.)

MC 133562 (Sub 28F), filed April 10, 1978. Applicant: HOLIDAY EXPRESS CORP., P.O. Box 115, Estherville, IA 51334. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of John Morrell & Co. at or near St. Paul, MN, and Sioux City, IA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, WI, and DC. Restricted to the transportation of shipments originating at the named facilities at or near the named origin and destined to the named destination States except traffic moving in foreign commerce. (Hearing site: Chicago, IL.)

MC 134286 (Sub 56F), filed April 7, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products* (except in bulk), from the facilities of Awrey Bakeries, Inc., at or near Livonia, MI, to points in OH, IN, KY, TN, IL, MO, ME, VT, NH, MA, CT, RI, NY, PA, NJ, MD, DE, DC, VA, and WV. (Hearing site: Detroit, MI, or Omaha, NE.)

NOTE.—Common control may be involved.

MC 134300 (Sub-21F), filed March 31, 1978. Applicant: TRIPLE R EXPRESS, INC., 498 First Street NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle,transporting: *Frozen potatoes and potato products*, from the plantsite and facilities of Northern Star Co., at Minneapolis, MN, to points in AL, AR, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved.

MC 134349 (Sub-25F), filed April 6, 1978. Applicant: B. L. T. CORP., 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, 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: (1) *Drugs, medicines, cosmetics, toilet articles, and advertising and promotional materials* related thereto, from the facilities of Lanvin-Charles of the Ritz, Inc., at or near Holmdel, NJ, points in the New York, NY Commercial Zone, Glen Gardner, Totowa, and Rahway, NJ, to points in AL, AR, AZ, CA, CO, FL, GA, IL, LA, NC, SC, TN, TX, and (2) returned and rejected *drugs, medicines, cosmetics, toilet articles and equipment, materials, and supplies* used in the manufacture, packaging, and distribution of commodities named in (1) above and from the destinations specified in (1) above to the facilities of Lanvin-Charles of the Ritz, Inc., at or near Holmdel, NJ, under a continuing contract, or contracts, with Lanvin-Charles of the Ritz, Inc., of Holmdel, NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 135410 (Sub-19F), filed April 10, 1978. Applicant: COURTNEY J. MUNSON d.b.a., MUNSON TRUCKING, 700 South Main, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and vehicle body sealer and sound deadener compound*, in containers, from Buffalo and North Tonawanda, NY, Emlenton, Farmers Valley and North Warren, PA, and Congo and St. Marys, WV, to points in IN, IL, and points in the Lower Peninsula of MI, on and north of MI Hwy 46, restricted to the transportation of shipments originating at the above-named origins and destined to the named destination. (Hearing site: Washington, DC.)

No. MC 135705 (Sub-No. 10F), filed March 31, 1978. Applicant: MELROSE TRUCKING CO., INC., 6360 Raderville Route, Casper, WY 82601. Representative: Raymond Kelley, 450 Capitol Life Center, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, for use by manufacturers of ready-mix concrete, concrete building products, and concrete structural products, from points in WY, to points in CO, ID, MT, ND, NE, SD, and UT. (Hearing site: Salt Lake City, UT.)

NOTE.—Possible dual operations and common control may be involved.

No. MC 136886 (Sub-No. 2F), filed April 10, 1978. Applicant: MASTERSON TRANSFER CO., INC., P.O. Box 745, Warren, PA 16365. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as dealt in by mail order houses, and *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk, clothing, advertising material, and shipping supplies) between points in the United States east of MN, IA, MO, AR, and LA, (except points in PA and points in Chautauqua, Erie, and Cattaraugus Counties, NY), and points in Warren County, PA, under a continuing contract, or contracts, with New Process Co., of Warren County, PA. (Hearing site: Washington, DC.)

NOTE.—Applicant holds motor common carrier authority in MC 3246 and subs, thereunder, therefore, dual operations may be involved.

No. MC 138308 (Sub-No. 46F), filed April 10, 1978. Applicant: KLM, Inc., 2102 Old Brandon Road, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile* from Kankakee, IL to Jackson, MS. (Hearing site: Jackson, MS.)

NOTE.—Applicant holds motor contract carrier authority in MC 128592 and subs, thereunder, therefore, dual operations may be involved.

MC No. 138469 (Sub-70F), filed April 6, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, and polyethylene articles* (except commodities in bulk), from the facilities of Jemco Packaging Products Co., at or near Jackson, TN, to points in OK, KS, CO, and TX. Restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (Hearing site: Nashville, TN.)

MC 138882 (Sub-63F), filed April 5, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common motor carrier*, over irregular routes, transporting: *Aluminum articles*, such as: *Sheet, plate, blanks, foil or lineal shapes*, from the facilities of Kaiser Aluminum & Chemical Corp., at or near Ravenswood, WV to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WI, DC. (Hearing site: Montgomery or Birmingham, AL.)

MC 139206 (Sub-44F), filed March 31, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boots* and *shoes, gaiters, footwear, overshoes*, and (2) *materials, equipment* and *supplies* used in the manufacture, sale, assembly, processing, finishing, distribution, packing and transportation of the commodities in (1) above (except commodities in bulk), between Rock Island, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—Common control and dual operations may be involved.

MC 139206 (Sub-45F), filed March 31, 1978. Applicant: F.M.S. Transportation, Inc., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal coatings; turbines; aircraft engines and components; turbine jet engine vanes, blades and assemblies; jet engine welding materials, equipment and supplies; machinery for electrical discharging; machinery for electron beam welding; machinery for electrochemical machining;* and *parts* and *accessories* therefor; and (2) *materials, equipment* and *supplies* used in the manufacture, processing, repair, finishing, remanufacture, coating, modification, assembly, sale, packing and transportation of the commodities in (1) above (except in bulk), between Gardena, CA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant is a commonly controlled contract carrier for and on behalf of Chromalloy American Corp. and the purpose of this application is to enable the shipper to replace its private carriage with the contract carrier services of applicant. Applicant already holds similar authority for the shipper between thirteen (13) other locations of the shipper, on the one hand, and, on the other, points in the United States. (2) Common control and dual operations may be involved. Dual operations and common control were approved in Docket No. MC-F-12514.

MC 139577 (Sub-12F) (amendment), filed February 14, 1978, published in the FEDERAL REGISTER issue of April 20, 1978, republished in the FEDERAL REGISTER issue of June 8, 1978, and republished, as amended, this issue. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (a) *containers, container closures, container ends, and container accessories*, and (b) *materials and supplies* used in the manufacture, sale, and distribution of the commodities in (a) above, (1) from Mt. Vernon and St. Joseph, MO, to points in AL, AR, IA, IL, IN, KY, MN, MS, OH, TN, TX, and WI, (2) from Mansfield, TX, to points in AR, IA, IL, MN, MO, MS, TN, and WI, and (3) from Waupun, Oconomowoc, and Menomonee Falls, WI, to points in IA, IL, IN, KY, MI, MN, MO, OH, TN, and TX. (Hearing site: Madison or Milwaukee, WI.)

NOTE.—The purpose of this republication is to add the State of MN as a destination point in (1) above, and the State of MO as a destination point in part (2) above.

MC 139917 (Sub-5F), filed June 12, 1978. Applicant: SEARAIL, INC., 701 South Royal Street, P.O. Box 909, Mobile, AL 36601. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. 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, and commodities in bulk), in containers or trailers, and (2) *general commodities* (except those of unusual value, Classes A and B explosives, and commodities in bulk), between New Orleans, LA, on the one hand, and, on the other, points in AL, LA, MS, and those in FL west of the Apalachicola River, restricted to the transportation of traffic (a) in (1) having an immediately prior or subsequent movement by water, and (b) in (2) having an immediately prior or subsequent movement by rail. (Hearing site: Mobile, AL, or New Orleans, LA.)

MC 139917 (Sub-6F), filed June 12, 1978. Applicant: SEARAIL, INC., P.O. Box 909, Mobile, AL 36601. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, and those requiring special equipment): (1) Between Mobile, AL, and Evergreen, AL (a) over U.S. Hwy 31, and return over the same route, serving all intermediate points, and (b) over Interstate Hwy 65, and return over the same route, for operating convenience only, serving no intermediate points; (2) between Bay Minette, AL, and Evergreen, AL, from Bay Minette over AL Hwy 59 to junction AL Hwy 21 at or near Uriah, AL, then over AL Hwy 21 to junction U.S. Hwy 84, then over U.S. Hwy 84 to Evergreen, and return over the same route; (3) between Monroeville, AL, and Hybart, AL, from Monroeville over AL Hwy 21 (also AL Hwy 47) to Beatrice, AL, then over unnumbered County Hwy to junction County Hwy 56 south of Chestnut, AL, then over AL Hwy 56 via Vredenburgh to Hybart, and return over the same route, serving all intermediate points; and serving as off-route points in connection with route (2) above, Claiborne, Perdue, Hill, Mexia, Monroeville, Goodway, Husford, McCullough, Lottie, Rabun, Robinsville, Sardine, Range, Daphne, and Loxley, AL. (Hearing site: Mobile, AL.)

MC 140484 (Sub-31F), filed March 31, 1978. Applicant: LESTER COGGINS TRUCKING, INC., 2671 East Edison Avenue, P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses*, in mechanically refrigerated equipment (except in bulk, in tank vehicles), from facilities of Kraft, Inc., at Taylor, MI, to points in IN, KY, OH, WV, and PA on and west of U.S. Hwy 15. Restricted to traffic originating at named facilities and destined to named destina-

tions. (Hearing site: Chicago, IL, or Detroit, MI.)

MC 140549 (Sub-9F), filed April 7, 1978. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, in bulk, in tank vehicles, from Clara City, MN, to points in IA; and (2) *liquid molasses and liquid protein cattle supplement*, in bulk, in tank vehicles, from Sioux City, IA, to Marshall, MN. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Applicant holds contract carrier authority under MC 118739; therefore, dual operations may be involved.

MC 140768 (Sub-17F), filed March 31, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard and paperboard*, from Whippany, NJ to Philadelphia, PA; and (2) *office equipment and supplies* (except in bulk), between the facilities of Burroughs Corp. at or near Park Ridge, NJ, Rochester, NY, Bardstown, KY, and City of Industry, CA. (Hearing site: New York, NY.)

NOTE.—Applicant holds motor contract authority in MC 134404 and sub numbers thereunder and, therefore, dual operations may be involved.

MC 141379 (Sub-5F), filed June 7, 1978. Applicant: CALVIN C. HARTSFIELD, d.b.a. SOUTHSIDE AUTO PARTS & SALVAGE, and d.b.a. SOUTHSIDE AUTO SALES, P.O. Box 161, Route 1, Malden, MO 63863. Representative: Joseph E. Rebman, Suite 1330, 314 North Broadway, St. Louis, MO 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wrecked, damaged, and used automobiles*, in truckaway service, (1) Between points in Sangamon, Rock Island, Lake, Cook, Will, and LaSalle Counties, IL, on the one hand, and, on the other, points in New Madrid and Dunklin Counties, MO; (2) between points in Madison, St. Clair, Cook, and Will Counties, IL; Jackson, Clay, Platte, and St. Louis Counties, MO, Johnson and Leavenworth Counties, KS, Cass, Sarpy, and Douglas Counties, NE, Mills and Pottawattamie Counties, IA, Wayne and Eaton Counties, MI, and Tarrant, Dallas, and Harris Counties, TX, on the one hand, and, on the other, points in Washington, Ramsey, Hennepin, and Anoka Counties, MN, and in Dunklin County, MO; (3) between points in Wayne and Eaton Counties, MI, Rock Island, Adams, and Peoria Counties, IL, and Dunklin County, MO, on the one hand, and, on the other, points in Davidson County, TN; (4) between points in Wayne and Eaton Counties, MI, on the one hand, and, on the other, points in Coffee County, TN; (5) between points in Davidson County, TN, on the one hand, and, on the other, points in Sangamon, Lake, Cook, Will, and LaSalle Counties, IL, and Washington and Hennepin Counties, MN; (6) between points in Washington and Hennepin Counties, MN, on the one hand, and, on the other, points in New Madrid and Dunklin Counties, MO, and Coffee County, TN. (Hearing site: St. Louis or Kansas City, MO.)

NOTE.—Tacking is sought at Cook and Will Counties, IL, and Wayne County, MI, with carrier's authority in MC 141379 (Sub-3) issued January 31, 1978. The following service is authorized: Wrecked, disabled, and used automobiles, in truckaway service, from points in Washington and Hennepin Counties, MN, to points in Davidson County, TN, and Carraway, AR. Service from points in Wayne County, MI, to points in Davidson County, TN, is restricted against the use of wrecker equipment. Parts (5) and (6) above are results of tacking parts (1), (2), (3), and (4).

MC 141914 (Sub-42F), filed April 10, 1978. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Authority sought by applicant to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded pulp, peat or expanded or foamed plastic (polystyrene) products, flora pots, seedling blocks, trays, egg cartons, packing partitions, and such articles and material* as are used in the manufacture and packing of such articles, (1) from the facilities used by Keyes Fibre Co., at or near Hammond and Gray, IN, to points in NH, NY, MA, WI, MI, IL, IN, OH, PA, KY, GA, MO, AR, AL, MS, MN, IA, WV, OK, TN, TX, and LA, (2) from the factilities used by Keyes Fibre Co., at or near New Iberia, LA, to points in the United States in and west of OH, KY, TN, AL, TX, LA, IL OK, AR, MS, IN, FL, PA, IA, WI, WV, MO, MN, and MI (except AK and HI), (3) from the facilities used by Keyes Fibre Co., at or near Florin and Fullerton, CA, to points in the United States in and west of TX, OK, MO, IA, and MN (except AK and HI), and (4) from the facilities used by Keyes Fibre Co., at or near Troy, OH, to points in CO, KS, OK, MO, IL, IN, WI, PA, NY, MA, and TN. (Hearing site: Tulsa, OK.)

MC 142559 (Sub-11F), filed April 7, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Authority sought by applicant to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Household appliances*, between Columbus, OH, and Edison, NJ. (Hearing site: Columbus or Cleveland, OH.)

NOTE.—Applicant holds motor contract carrier authority in MC 139254 and subs thereunder; therefore, dual operations may be involved. Common control may be involved.

MC 143166 (Sub-1), filed January 3, 1978. Applicant: WAYNE HELDERMAN TRUCKING CO., a corporation, Route 1, Box 152, Whitewater, MO 63785. Representative: Joseph J. Russell, 2027 Broadway, Cape Girardeau, MO 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *mill feed* in bulk or in bags, between points in IL and points in the counties of Cape Girardeau, Scott, Bollinger, Perry, Mississippi, Stoddard, Ste. Genevieve, New Madrid, Madison, Wayne, Butler, Dunklin and Pemiscot, Mo. (Hearing site: Cape Girardeau or St. Louis, Mo.)

MC 144145 (Sub-3F), filed April 3, 1978. Applicant: GILBERT TRUCK LINES, INC., South Alger Road, Route 2, Ithaca, MI 48847. Representative: James R. Davis, 1018 Michigan National Tower, Lansing, MI 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *soybean meal and soybean hulls*, in bulk, from the facilities of Cargill, Inc., at or near Sydney, OH, to points in IL, IN, and MI. (Hearing site: Lansing, MI.)

MC 144525F, filed March 31, 1978. Applicant: THOMAS H. COYNE d.b.a. JEEP'S AUTO BODY SHOP, Route 1, Box 323, Fond du Lac, WI 54935. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, used, and inoperative motor vehicles, replacement vehicles and parts and equipment for the above-described vehicles* (except in driveaway service), between Sheboygan and Fond du Lac County, WI, on the one hand, and, on the other, points in MI, IN, IL, IA, MN, and OH. (Hearing site: Fond du Lac or Madison, WI.)

MC 144573F, filed April 6, 1978. Applicant: EL-JEN TRANSPORT CO., INC., P.O. Box 522, Northfield, IL 60093. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are used in the operation and

maintenance of theatrical and musical productions or exhibitions, between points in the United States (including AK and HI), moving under a continuing contract, or contracts, with Chicago Music, Inc., of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 144581F, filed April 3, 1978. Applicant: HARVEY HAYES, an individual, d.b.a. HAYES TRAILER TRANSPORT, 12125 Corley Drive, Whittier, CA 90604. Representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles, in initial and secondary movements in tow-away service*, between points in Los Angeles, Riverside, San Benito, and San Bernardino Counties, CA, on the one hand, and, on the other, points in AZ, CO, ID, IN, MI, MT, NV, NM, OR, TX, UT, and WA. (Hearing site: Los Angeles, CA.)

MC 144588F, filed April 6, 1978. Applicant: CHARLES A. FROELICH, 19102 Cane Circle, Greenacres, WA 99016. Representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and empty bakery containers*, between Spokane, WA, on the one hand, and, on the other, Coeur d'Alene, and Kellogg, ID, under a continuing contract, or contracts, with Einarsen Bakeries, Inc., of Spokane, WA. (Hearing site: Spokane, WA.)

MC 144589F, filed April 6, 1978. Applicant: SNR DELIVERY, INC., 913 McKinley Street, Peekskill, NY. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brake shoes*, between Stratford, CT, on the one hand, and, on the other, New York, NY, and points in Nassau, Suffolk, and Westchester Counties, NY, under a continuing contract, or contracts, with Stratford Division, RM Friction Materials Co., of Stratford, CT. (Hearing site: White Plains, NY.)

NOTE.—Common control may be involved.

MC 144590F, filed April 6, 1978. Applicant: MICHAEL STEPHEN SPRINKEL, SR., 1305 Howard Road, Glen Burnie, MD 21061. Representative: Alan Richard Simon, P.O. Box 1967, Harrisburg, PA 17105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Consumer electronic products and accessories*, (2) *technical electrical products and accessories*, (3) *home appliances and accessories*, and (4) *such commodities* as are used by a multiline distributor, (a) from the facilities of D & H Distributing Co., at Savage, MD, to Richmond and Eastville, VA, Camden and Pittman, NJ, Philiadelphia, PA, Martinsburg, WV, and points in DE and DC, and (b) between the facilities of D & H Distributing CO., at Savage, MD, and Harrisburg, PA, under a continuing contract, or contracts, with D & H Distributing Co. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 144601 (Sub-1F), filed April 6, 1978. Applicant: CHEVALLEY MOVING & STORAGE OF ALTUS, INC., 615 South Grady, Altus, OK 73521. Representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Beckham, Greer, Harmon, Jackson, Custer, Dewey, Ellis, Roger-Mills, Washita, and those in Beaver Counties, OK, and those in Childress, Collingsworth, Donley, Hall, Gray, Wheeler, Roberts, Hemphill, Ochiltree, and Lipscomb Counties, TX. Restriction: Operations authorized are restricted to transportation of traffic 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 packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such traffic. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

NOTE.—Common control may be involved.

MC 144616F, filed April 7, 1978. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Fort Worth, TX 76112. 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 meatpacking houses*, as described in sections A and C to the report in Descriptions of Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Arkansas City and Wichita, KS, and El Paso, TX, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Fort Worth or Dallas, TX.)

PASSENGERS

MC 2908 (Sub-24F), filed February 28, 1978. Applicant: CAPITAL MOTOR LINES, d.b.a. CAPITAL TRAILWAYS, P.O. Box 1427, Montgomery, AL 36102. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over regular and irregular routes in the transportation of: (A) *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over regular routes: Between Montgomery, AL, and Birmingham, AL: (1) From Montgomery, AL, over U.S. Hwy 31 to Birmingham, AL, and return over the same route, serving all intermediate points; and (2) From Montgomery, AL, over Interstate Hwy 65 to Alabaster, AL, then over U.S. Hwy 31 to Birmingham, AL, and return over the same route, serving all intermediate points on U.S. Hwy 31, and (B) *passengers and their baggage* in one-way and round-trip charter operations, over irregular routes: From points on the routes and the territories served by the routes described in Part (A) above (except Montgomery, AL) to points in the United States (including AK but excluding HI). (Hearing Sites: Montgomery and Birmingham, AL.)

NOTE.—Common control may be involved.

MC 121599 (Sub-2F), filed April 3, 1978. Applicant: LAKE FRONT LINES, INC., 2643 Narrows Road, Painesville, OH 44077. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. 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 round trip charter and special operations, beginning and ending in Ashtabula, Cuyahoga and Lake Counties, OH, and extending to points in the United States, including AK but (excluding HI). (Hearing site: Cleveland, OH.)

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers of motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An Original and two copies of protects 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.

MC-F-13131. (Correction) (Bee Line Transportation, Inc.—Purchase (por-

tion)—HOVE TRUCK LINE.) On June 14, 1978, the Commission, Division 1, issued a decision in this proceeding and directed a corrected notice to be published in the FEDERAL REGISTER because the original notice published at page 16043 of the FEDERAL REGISTER issue of March 24, 1977, omitted a portion of the authority to be transferred. The Commission's decision, that is effective 30 days from the publication of the corrected notice, authorizes the transfer of the following irregular route *common carrier* authority: *Steel fence post,* from Chicago Heights, IL, to points in IA; *iron and steel articles* from Joliet, IL, to Fort Dodge, IA, and points within 1 mile of Fort Dodge and from Princeton, IL, to Fort Dodge, IA, and points within 1 mile of Fort Dodge; *steel wire, barbed wire, woven wire fencing, wire bale ties, wire nails and spikes, wire staples, wire fence stays, steel fence posts and fence post fittings* from Bartonville, IL, to points in that part of IA, bounded by a line beginning at the IA-MN State line extending south along U.S. Hwy 65 to the southern boundary of Cerro Gordo and Hancock Counties, IA, to junction U.S. Hwy 69, then along U.S. Hwy 60 to the southern boundary of Hamilton and Hardin Counties, IA, to junction U.S. Hwy 65, then south along U.S. Hwy 65 to junction U.S. Hwy 30, then west along U.S. Hwy 30 to the IA-NE State line and then north along the west boundary of IA to the IA-MN State line and then east along the IA-MN State line to the point of origin, including all points on the indicated portions of the hwys specified, with no transportation for compensation on return except as otherwise authorized; *fencing, fence post, and bolts, nuts and fittings,* from Fort Dodge, IA, to points in AL, CO, GA, IL, IN, KS, KY, LA, the lower peninisula of MI (except Detroit), MN, MS, MO, NE, NC, ND, OH, PA, SC, SD, TN, TX, VA, and WY, with no transportation for compensation on return except as otherwise authorized; *iron and steel articles,* from Bartonville, IL, to points in IA, KS, and SD; *iron and steel articles* from the plant site of Jones & Laughlin Steel Corp. located in Putnam County, IL, to points in IA and materials, equipment and supplies, used in the manufacture and processing of *iron and steel articles,* from points in IA to the plant site of Jones & Laughlin Steel Corp. located in Putnam County, IL, with restrictions; *fencing, fence post, and bolts, nuts and fittings,* from Bartonville, IL, to points in CO, ND, WY, and points in MN on and west of U.S. Hwy 169, and points in NE on and west of a line from the NE-KS line along NE Hwy 15 to the junction of U.S. Hwy 30 then along U.S. Hwy 30 to the IA-NE State line; *steel fence posts,* from Chicago Heights, IL, to points in CO, NE, ND, SD, and WY, points in KS (except points in Johnson, Leavenworth, and Wyandotte Counties), and points in MN on and west of a line from the IA-MN State line along U.S. Hwy 65 to the junction MN Hwy 13, then along MN Hwy 13 to the junction of MN Hwy 19, then along MN Hwy 19 to the junction MN Hwy 15, then along MN Hwy 15 to the junction of Interstate Hwy 94, then along Interstate Hwy 94 to the MN-ND State line; *fencing, fence post and bolts, nuts and fittings,* from Joliet, IL, to points in CO, NE, ND, SD, WY, points in KS on and west of a line from the KS-NE State line along U.S. Hwy 75 to the junction of Interstate Hwy 70, then along Interstate Hwy 70 to the junction of U.S. Hwy 156, then along U.S. Hwy 156 to the junction of U.S. Hwy 183, then along U.S. Hwy 183 to the KS-OK State line, and points in MN on and west of a line from the MN-IA State line along MN Hwy 22 to the junction of Interstate Hwy 94 then along Interstate Hwy 94 to the MN-ND State line; *fencing, fence posts, bolts, nuts and fittings,* from Princeton, IL, to points in CO, ND, SD, WY, points in KS on and west of a line from the KS-NE State line along U.S. Hwy 75 to the junction of Interstate Hwy 85, then along Interstate Hwy 85 to the junction of U.S. Hwy 77, then along U.S. Hwy 77 to the KS-OK State line and points in NE on and south of a line from the IA-NE State line along U.S. Hwy 30 to the junction of NE Hwy 31, then along NE Hwy 31 to the junction of NE Hwy 50, then along NE Hwy 50 to the NE-IA State line.

MC-F-13522. (Correction) GEORGE B. KING, d.b.a. KING TRANSFER—Purchase (portion)—Monsen Trucking, published in the March 16, 1978 issue of the FEDERAL REGISTER. Prior notice inadvertently omitted certain information. Notice should read as follows: Authority sought for purchase by George B. King, 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, and for acquisition by George B. King of 714 Pearl Street, Omaha, IA 51040, of control of such rights through the purchase. Applicants' attorney: Robert A. Wichser, 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA. 51102. Operating rights sought to be transferred: *Chemicals and fertilizers,* 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 Monsato Co., located in Woodbury County, IA, and Dakota County, NE (except Homer, NE), to points in CO, IL, IA, KS, MO, NE, MN, ND, OK, SD, WI, and WY. The operations authorized are restricted against tacking with authority now held by carrier. 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).

MC-F-13612. Authority sought for purchase by BOWLING GREEN EXPRESS, INC., Plum Springs Road, P.O. Box 1899, Bowling Green, KY 42101 of the capital stock of Owensboro Express, Inc., Alsop Lane, Owensboro, KY 42311, and for merger of Transferor into Transferee, and for acquisition by A. M. Manning, Plum Springs Road, P.O. Box 1899, Bowling Green, KY 42101, of the operating authority to be acquired through the transaction. Attorney for Transferor and Transferee: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Operating rights sought to be acquired are set forth in No. MC 923, as follows: Sub-8; *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, serving points in Davies County, KY as off-route points in connection with carrier's regular-route operations authorized herein over U.S. Hwy 60 between Owensboro, KY, and Sorgho, KY, serving all intermediate points and off-route points within 3 miles of the specified route: from Owensboro over KY Hwy 54 to Sorgho and return over the same route. Restriction: The authority granted above is restricted against serving points in Indiana within the commercial zones of Owensboro, Lewisport, Hawesville, Cloverport, Stephensport, Battletown, and Brandenburg, KY, as defined by the Commission; *general commodities,* except classes A and B explosives, between Hardinsburg, KY and Owensboro, KY, serving no intermediate points, and serving Hardinsburg for purposes of joinder only: From Hardinsburg over KY Hwy 261 to junction KY Hwy 54, east of Fordsville, KY, then over KY Hwy 54 to Owensboro, and return over the same route; *general commodities,* except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, and commodities the transportation of which, because of size or weight, require the use of special equipment, between Louisville, KY and Owensboro, KY, serving all intermediate points west of a point 3 miles west of Maceo, KY: From Louisville over U.S. Hwy 31-W to junction U.S. Hwy 60 and then over U.S. Hwy 60 to Owensboro, and return over the same route, and Sub-12, *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Sorgho, KY and Beach Grove, KY,

serving all intermediate points: From Sorgho over KY Hwy 54 to junction KY Hwy 56, thence over KY Hwy 56 to Beach Grove, and return over the same route; between Sebreo, KY and Evansville, IN, serving all intermediate points except those in Henderson County, KY, between the Henderson, KY Commercial Zone as defined by the Commission, and the Henderson-Webster County Line, and except the plant site of Anaconda Aluminum Co., from Sebreo over U.S. Hwy 41 to Evansville, and return over the same route; between Owensboro, KY, and Henderson, KY, serving no intermediate points and serving Henderson for the purposes of joinder only: From Owensboro over U.S. Hwy 60 to Henderson, and return over the same route. Restriction: Service at Evansville, IN, and Henderson, KY, and points within their respective commercial zones as defined by the Commission is restricted against the transportation of shipments moving to, from, or through Owensboro, Louisville, KY, and Nashville, TN, and their respective commercial zones as defined by the Commission. Transferee is authorized to operate as a regular route common carrier in the States of OH, IN, KY, and TN. Common control may be involved. Application has been filed for temporary authority under section 210a(b) for Transferee to temporarily control Transferor.

MC-F-13615. Authority sought for purchase by NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Avenue, P.O. Box 3427, Wallington, NJ 07057, of the operating rights of Galloway Bros. Transportation Co., 35th and Governor Printz Boulevard's Wilmington, DE 19802, and for acquisition by Jacob Goldman, Morris Friedman, David Goldman and Myron Shelvell, all of the Wallington, NJ 07057, address, of control of such rights through the purchase. Applicants' attorney: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Operating rights sought to be purchased: *General commodities,* with exceptions, as a *common carrier* over regular routes, between Philadelphia, PA and Wilmington, DE, and over irregular routes, between Wilmington, DE on the one hand, and, on the other, New York, NY, as more fully described in Certificate No. MC 100297 (Sub-No. 1). Vendee is authorized to operate as a *common carrier* in CT, NJ, NY, MA, PA, and RI. Approval of the transaction will not result (a) in dual operation; (b) splitting of authority; or (c) duplicating authority. Application has been filed for temporary authority under section 210a(b).

NOTE.—No. MC 112107 (Sub-No. 12F) is a directly related matter.

MC-F-13639. Authority sought for purchase by HUNTER TRUCKING, INC., 805 32d Avenue, Council Bluffs, IA 51501, of the operating rights of (B) Hunter Brokerage, Inc., 805 32d Avenue, Council Bluffs, IA 51501, and of a portion of the operating rights of (BB) Clarence L. Werner, d.b.a. Werner Enterprises, P.O. Box 37308, Omaha, NE 68137, and for acquisition by James F. Hunter of control of the rights through the purchase. Applicants' attorney: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Operating rights sought to be purchased from Hunter Brokerage, Inc.: *Lumber and lumber products,* as a *contract carrier,* over irregular routes, from the facilities of Midwest Walnut Co. at Council Bluffs, IA, to points in AL, AZ, AR, CA, CO, CT, FL, GA, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NM, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, WA, WV, and WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Midwest Walnut Co., of Council Bluffs, IA, as more fully described in Certificate No. MC 136817. Operating rights sought to be purchased from Clarence L. Werner, d.b.a. Werner Enterprises: (1) *Soybean meal,* as a *common carrier,* over irregular routes, from points in NE to points in ID and UT, with no transportation for compensation on return except as otherwise authorized and (2) *soybean products and soybean byproducts,* from Sioux City, Des Moines, Cedar Rapids and Washington, IA, to points in UT, ID, WY, MT, and SD, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted against the transportation of commodities in bulk, in tank vehicles. Carrier shall not tack or join the authority granted herein with any other authority now held by it. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the act, as more fully described in Certificate No. MC 138328. Vendee is authorized to operate pursuant to Certificate No. MC 141489 as a *common carrier* in the States of NE, CO, IA, and WY. Application has not been filed for temporary authority under section 210a(b).

MC-F-13621. Authority sought for purchase by J. J. BRADY & SONS, INC., Rear 29 West Street, Box 545, Beverly Farms, MA, 01905, of the operating rights of David R. Dahlenburg, M.D., Executor of the Estate of Elmer Robert Dahlenburg, Deceased, 238 Pike Street, Covington, KY 41011, of control of such rights through the transaction. Applicants' attorney: David B. Erwin, 1030 E. Lafayette Street, Suite 112, Tallahassee, FL 32301. Operating rights sought to be transferred: Horses, and in connection therewith, harness, sulkies, and other articles customarily accompanying race horses and polo ponies, as a *common carrier* over irregular routes between points in OH and IL, IN, MI, PA, NJ, NY, KY, and WV. Vendee is authorized to operate as as a *common carrier* in NH, MA, CT, RI, NY, NJ, DE, MD, VA, TN, SC, FL, LA, ME, VT, WV, and PA. Application has not been filed for temporary authority under section 210(b) of the act.

MOTOR CARRIER OF PASSENGERS

MC-F-13635. Authority sought for purchase by (A) BONANZA BUS LINES, INC., P.O. Box 1116, Annex Station, 27 Sabin Street, Providence, RI 02901, and (AA) GREYHOUND LINES, INC., Greyhound Tower, Phoenix, RI, 02901, and (AA) GREYHOUND CORP., Greyhound Tower, Phoenix, AZ 85077, of a portion of the operating rights of ALMEIDA BUS LINES, of New Bedford, MA 02740, and for acquisition by (A) George M. Sage, 27 Sabin Street, Providence, AZ 85077, of control of such rights through the transaction. Applicant's representatives: John R. Sims, Jr., and John L. Boyd, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004; Lynwood C. Major, Jr., 6121 Lincolnia Road, Alexandria, VA 22312; and Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Operating rights sought to be transferred: Under Certificate No. MC 124935 (Sub-3), authorizing the transportation of passengers and their baggage, etc., over regular routes, between Wareham, MA, and New York NY, via Newport, RI, and New London, CT, serving most intermediate points. GREYHOUND LINES, INC., would purchase that portion of the said authority between Newport, RI, and New York, NY, and BONANZA BUS LINES, INC., would purchase that portion between Newport and Wareham, MA. GREYHOUND LINES, INC., and BONANZA BUS LINES, INC. are presently motor common carriers of passengers with GREYHOUND LINES, INC. operating throughout the United States and BONANZA BUS LINES operating in the States of MA, RI, CT, VT, NH, ME, NY, VA, NC, TN, NJ, PA, and District of Columbia. Application has been filed for temporary authority under section 210(b) of the act.

MC-F-13637. Authority sought for purchase by FINDLAY TRUCK LINE,

INC., 420 Trenton Avenue, Findlay, OH 45840, a portion of the operating rights of Bay Transportation Company, P.O. Box 389, Port Clinton, OH 43452, and for acquisition by Richard R. Ruehle, in control of Findlay Truck Line, Inc., for control of the rights through the purchase. Applicant's attorney: James W. Muldoon, Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, OH 43215. Operating rights sought to be puchased: Under a Certificate of Registration in Docket No. MC 121497, property, from and to Port Clinton, OH, and also from and to all points within a radius of 13 miles of Port Clinton, OH. Transferee holds a Certificate of Registration in Docket No. MC 120378 authorizing the transportation of: (1) *property* from and to Findlay, OH, also *household goods, office furniture and fixtures* from and to any point in Hancock County; and (2) *property* from and to North Baltimore, OH; also *household goods, office furniture and fixtures* from and to any point in Wood County. Approval of the transaction will not result in (a) dual operations; (b) splitting of operating authority; or (c) duplicating authority. Application has been filed for temporary authority under section 210A(B). (Hearing site: Columbus, OH or Washington, DC.)

MC-F-13638. Authority sought for purchase by GARRISON MOTOR FREIGHT, INC., Garrison Place, P.O. Box 1278, Harrison, AR 72601, a portion of the operating rights of the ROCKET FREIGHT LINES CO., 2921 Dawson Road, Tulsa, OK 74110, and for acquisition of control of such rights by F. S. Garrison, also of Harrison, AR 72601, through the purchase. Applicant's representatives: Jay C. Miner, P.O. Box 1278, Harrison, AR 72601, William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, VA 22210 and A. W. Jenkins, 2921 Dawson Road, Tulsa, OK 74110. Operating rights sought to be purchased: *General commodities*, with exceptions, as a *common carrier*, over regular routes between, among other points Oklahoma City, Tulsa, Muskogee, and McAlester, OK, Ft. Smith, AR and Sherman, TX, as more fully described in certificate Nos. MC 98742 Sub-No. 12, Sub-No. 13, and Sub-No. 15. Vendee is authorized to operate pursuant to certificate No. MC 109324 as a *common carrier* in the States of AR, MO, TX, OK, KS, MS, and IL. No duplicating authority will result from the application. Application has been filed for temporary authority under section 210a(b).

MC-F-13649. Authority sought for purchase by IDEAL TRUCK LINES, INC., P.O. Box 330, Norton, KS 67654 of a portion of the operating rights of the Rock Island Motor Transit Co., 2744 Southeast Market Street, Des Moines, IA 50317, and for acquisition by Blickenstaff Holding Co., also of Norton, KS, of control of the rights through the purchase. Applicant's representative (transferee): Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant's representative (transferor): Raymond Goldfarb, 72 West Adams Street, Chicago, IL 60603 and Donald F. Neiman, 1119 High Street, Des Moines, IA 50309. Operating rights sought to be purchased: *General commodities*, with exceptions, as a *common carrier*, over regular routes between Omaha, NE, and Des Moines, IA, serving certain named intermediate and off-route points and between Topeka, Salina, Manhattan, and Goodland, KS, serving certain named intermediate and off-route points, as more fully described in Certificate No. MC 29130. Transferee is authorized to operate pursuant to Certificate No. MC 989 and subs thereunder as a common carrier in the States of KS, NE, and CO. Approval of the proposed transaction will result in transferee acquiring duplicating authority as transferee and transferor to operate over the same regular routes between Belleville, KS, and Norton, KS. Approval of the proposed transaction will result in a split of transferor's authority. Transferor is authorized to operate between Silvis, IL, and Omaha, NE. Transferor proposes to split its authority at Des Moines, IA, with the western portion to be purchased by applicant herein and the eastern portion to be purchased by an unrelated transferee. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein. Restriction: The operations authorized are subject to such further limitations, restrictions, or modifications as the Commission may find necessary to impose in order to insure that the service shall be auxiliary or supplementary to the train service of the Chicago, Rock Island & Pacific RR. Co., hereinafter referred to as the C.R.I. & P. RR and shall not unduly restrain competition. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 112107 (Sub-No. 12F), filed June 6, 1978. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Avenue, P.O. Box 3427, Wallington, NJ 07057. Representative: Morton E. Kiel, Suite 6193, Five World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier* over regular routes transporting: *General commodities* (except articles of unusual value, commodities requiring special equipment, household goods as defined by the Commission, class A and B explosives), between Philadelphia, PA, and New York, NY, serving the intermediate points of Jersey City and Newark, NJ, and the off route points of Camden, NJ, Westchester, Avondale, and Kennett Square, PA, those in New Castle County, DE, Delaware County, PA, and those in Montgomery County, PA, on and south of U.S. Hwy 202, (1) from Philadelphia over U.S. Hwy 1 to New York and return over the same routes; (2) from Philadelphia over Interstate Hwy 95 to New York; also over Interstate Hwy 95 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction U.S. Hwy 1, and then over U.S. Hwy 1 to New York and return over the same route; (3) from Philadelphia over city streets to junction NJ Turnpike, then over NJ Turnpike to New York; also over city streets to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction U.S. Hwy 1, and then over U.S. Hwy 1 to New York and return over the same routes; and (4) from Philadelphia over city streets to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction U.S. Hwy 1, and then over U.S. Hwy 1 to New York and return over the same routes. (Hearing site: New York, NY.)

NOTE.—This is an application to convert applicant's regular and irregular route authority between Philadelphia, PA, and New York, NY, to regular routes and is a matter directly related to a section 5(2) proceeding in MC-F-13615 published in a previous section of this FEDERAL REGISTER issue.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before August 7, 1978.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

MC 94201 (Deviation No. 5), BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA. 30316, filed April 14, 1977, as amended June 2, 1978. Carrier's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. Carrier Proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Interstate Hwy 59 and Interstate Hwy 20 near Meridian, MS, over Interstate Hwy 59 to junction MS Hwy 26 near Poplarville, MS, then over MS Hwy 26 to the MS/LA State Line, then over LA Hwy 10 to Bogalusa, LA, then over LA Hwy 21 to Covington, LA, then over U.S. Hwy 190 to Kinder, LA, then over U.S. Hwy 165 to junction U.S. Hwy 90, then over U.S. Hwy 90 to Houston, TX, and (2) from junction Interstate Hwy 59 and Interstate Hwy 20 near Meridian, MS over the routes described in (1) above to Kinder, LA, then over U.S. Hwy 165 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Houston, TX and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from junction Interstate Hwy 59 and Intersate Hwy 20 near Meridian, MS over Interstate Hwy 20 to junction U.S. Hwy 79 near Shreveport, LA, then over U.S. Hwy 79 to junction U.S. Hwy 59 near Carthage, TX, then over U.S. Hwy 59 to Houston, TX and return over the same route.

MC 109564 (deviation No. 2), LYONS TRANSPORTATION LINES, INC., 138 East 26th Street, Erie, PA 16512, filed June 6, 1978. Carrier's representative: A. Charles Tell, Columbus Center, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Waterbury, CT, over Interstate Hwy 84 to junction NY Hwy 17, then over NY Hwy 17 to junction Interstate Hwy 90 at Westfield, NY, then over Interstate Hwy 90 to Erie, PA, (2) from Waterbury, CT over Interstate Hwy 84 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Pittsburgh, PA, and (3) from Waterbury, CT over Interstate Hwy 84 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 480, then over Interstate Hwy 480 to Junction Interstate Hwy 271, then over Interstate Hwy 271 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Cleveland, OH, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Waterbury, CT over CT 8 to the CT-MA State line, then over MA Hwy 8 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Syracuse, NY, then over Interstate Hwy 81 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Erie, PA. Restriction: The service authorized in (1) above, is restricted to the transportation of traffic moving from, to or through Erie, PA., (2) From Waterbury, CT to Erie, PA as set forth in (1) above, then over U.S. Hwy 19 to Pittsburgh, PA, and (3) from Waterbury, CT to Erie, PA as set forth in (1) above, then over U.S. Hwy 20 to Cleveland, OH, and return over the same routes.

MC-11325 (Deviation No. 31), TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009, Filed June 8, 1978. Carrier's representative, J. Binlaez, P.O. Box 92220, Los Angeles, CA 90009. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Dallas, TX over Interstate Hwy 30 to junction U.S. Hwy 270, then over U.S. Hwy 270 to junction U.S. Hwy 79, then over U.S. Hwy 79 to junction U.S. Hwy 49, then over U.S. Hwy 49 to junction AR Hwy 39, then over AR Hwy 39 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 72, then over U.S. Hwy 72 to junction U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 278, then over U.S. Hwy 278 to Atlanta, GA and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route, as follows: from Dallas, TX over U.S. Hwy 77 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction U.S. Hwy 266, then over U.S. Hwy 266 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Atlanta, GA, and return over the same route.

MC-111333 (Deviation No. 53), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 7211, 10990 Roe Avenue, Shawnee Mission, KS 66207, filed May 30, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From San Antonio, TX over U.S. Hwy 87 to junction U.S. Hwy 283, then over U.S. Hwy 283 to junction U.S. Hwy 84, then over U.S. Hwy 84 to Abilene, TX and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From San Antonio, TX over U.S. Hwy 81 to Waco, TX, then over U.S. Hwy 77 to Dallas, TX, then over U.S. Hwy 80 to Abilene, TX, and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before August 7, 1978.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

MC-60325 (Deviation No. 7), JEFFERSON LINES, INC., 1206 Currie Avenue, Minneapolis, MN 55403, filed April 12, 1978. Carrier's representative: Elvin S. Douglas, Jr., P.O. Box 280, Professional Building, Harrisonville, MO 64701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Owatonna, MN over Interstate Hwy 35 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Albert Lea, MN, (2) From Albert Lea, MN over Interstate Hwy 90 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junc-

tion U.S. Hwy 20 approximately 32 miles north to Ames, IA, with the following access route: (a) From junction U.S. Hwy 18 and Interstate Hwy 35 over U.S. Hwy 18 to Mason City, IA, (3) From Osceola, IA over U.S. Hwy 34 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction U.S. Hwy 69 north of Bethany, MO, and (4) From Bethany, MO over Interstate Hwy 35 to junction U.S. Hwy 69 south of Pattonsburg, MO, with the following access route: (a) From junction County Route C and Interstate Hwy 35 north of Pattonsburg, MO over County Route C to junction U.S. Hwy 69, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Minneapolis, MN over city streets to St. Paul, MN, then over MN Hwy 49 to junction MN Hwy 3, then over MN Hwy 3 via Farmington, MN to junction unnumbered highway (formerly portion MN Hwy 3), then over unnumbered highway to Owatonna, MN, then over U.S. Hwy 65 to Albert Lea, MN, then over U.S. Hwy 69 to Kansas City, KS, then over city streets to Kansas City, MO, and (2) From Minneapolis, MN to Albert Lea, MN as specified in (1) above, then over U.S. Hwy 65 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Ames, IA, then over U.S. Hwy 69 to Bethany, MO, and return over the same routes.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18661 Filed 7-5-78; 8:45 am]

[1505-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 79]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-14323, appearing at page 22142 in the issue for Tuesday, May 23, 1978; on page 22145, third column, twentieth line of motor carrier application No. MC 126358 (Sub-No. 17TA), "ID" should read "IN".

[Notice No. 112]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 5, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 106195 (Sub-No. 19TA), filed May 3, 1978. Applicant: CLARK BROS. TRANSFER, INC., P.O. Box 388, 802 North First Street, Norfolk, NE 68701. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Norfolk Iron & Metal Co., located at or near Norfolk, NE, to points in CO, IL, IN, IA, KS, MN, MO, UT, WI, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dan D. Coulter, traffic manager, Norfolk Iron & Metal Co., 300 Braasch Avenue, Norfolk, NE 68701. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 129994 (Sub-30 TA), filed May 9, 1978. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, UT 84107. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, wallboard, and materials and supplies* used in the manufacture, installation, or distribution thereof, from Clark County, NV, to all points in UT, for 180 days. Supporting shipper: The Flintkote Co., P.O. Box 2312, Terminal Annex, Los Angeles, CA 90051 (Richard B. Colby, Traffic Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

MC 133545 (Sub-6TA), filed April 24, 1978. Applicant: DAVID LEMONS, d.b.a. LEMONS HOUSE MOVING, 1250 Houston Road, Idaho Falls, ID 83401. 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: *Prefabricated modulars* in sections, without fixed undercarriages, (1) from the facilities of Boise Cascade Corp., at or near Laurel, MT, and West Jordan, UT, to points in CO, MT, NV, OR, SD, UT, WA, and WY; and (2) from from the facilities of Boise Cascade Corp., at or near Pocatello, ID, to points in CO, NV, OR, SD, WA, and UT (other than Cache, Box Elder, and Davis Counties), and WY (other than Fremont, Lincoln, Park, Sublette, Sweetwater, Teton, and Uinta Counties), for 180 days. Applicant does not intend to tack or interline with other carriers. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corp., P.O. Box 7747, Boise, ID 83707. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

MC 134105 (Sub-28TA), filed April 21, 1978, Applicant: CELERYVALE TRANSPORT, INC., 1011 First Tennessee Bank Building, Chattanooga, TN 37402. Representative: Daniel O. Hands, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), (1) from the facilities of Vlasic Foods, Inc., located at Bridgeport, Imlay City, and Memphis, MI, to Greenville, MS; and (2) from Greenville, MS, to points in AL, AK, CO, FL, GA, KS, KY, LA, MO, NM, OK, TN, and TX, points in IL on and south of IL Hwy 16, and points in IN in and south of Sullivan, Greene, Monroe, Brown, Bartholomew, Decatur, and Franklin Counties, parts (1) and (2) restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

Supporting shipper: Vlasic Foods, Inc., 33200 West 14 M.R. Road, West Bloomfield, MI 48033. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN. 37203.

MC 135283 (Sub-37TA), filed May 2, 1978. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 South Stuhr Road, Grand Island, NE 68801. Representative: Lloyd A. Mettenbrink (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rotary blowers and blower wheels*, From LaPorte, IN, to the facilities of Caldwell Manufacturing Co., at or near Kearney, NE; (2) *cardboard cartons*, from Butler, IN, to the facilities of Caldwell Manufacturing Co., at or near Kearney, NE; (3) *fan blades*, from Bryan, TX, to the facilities of Caldwell Manufacturing Co., at or near Kearney, NE, for 180 days. Applicant has also filed an underlying ETA Seeking up to 90 days of operating authority. Supporting shipper: Robert L. Wells, Purchasing Agent, Caldwell Manufacturing Co., P.O. Box 388, Kearney, NE 68847. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE. 68508.

MC 135379 (Sub-9TA), filed February 27, 1978. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain, grocery, department stores, and food business houses (except glass containers and commodities in bulk), and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except glass containers and commodities in bulk), between points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, VA, NC, SC, WV, GA, FL, AL, LA, MS, TN, and DC. Restriction: Limited to transportation service to be performed, under a continuing contract, or contracts, with Filigree Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Filigree Foods, Inc., Taft Road, Totowa, NJ 07512. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 135732 (Sub-32TA), filed April 24, 1978. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, NJ 07030. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleo margarine, vegetable oil shortening, vegetable oils, vegetable stearnes* (except in bulk), in vehicles equipped with mechnical refrigeration, from the facilities of Capital City Products Co., Division of Stokely-Van Camp, Inc., Columbus, OH, to points in the States of ME, NH, VT, MA, RI, CT, PA (except Philadelphia, PA), NJ, north of Atlantic and Camden Counties, NY, east of U.S. Hwy 81, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Capital City Products Co., Division of Stokely-Van Camp, Inc., P.O. Box 569, Columbus, OH 43216. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 139432 (Sub-8TA), filed May 9, 1978. Applicant: SUNRISE TRANSPORTATION, INC., 9850 East Highway 120, Manteca, CA 95336. Representative: Robert B. Hankins, Pierson, Ball & Dowd, 1000 Ring Building, 1200 18th Street NW., Washington, DC 20036. Authority sought to operate as *contract carrier*, by motor vehicle over irregular routes, transporting: *Soda ash and lime*, in bulk, in tank or hopper-type vehicles from the plantsites of Kerr-McGee Chemical Corp., at Westend and Trona, CA, to all points in AZ, NM, and NV under a continuing contract or contracts with Kerr-McGee Chemical Corp., for 180 days. Supporting shipper: Kerr-McGee Chemical Corp., 680 South Wilshire Places, Los Angeles, CA 90005. Send protests to: District Supervisor A. J. Rodriguez, 211 Main, Suite 500, San Francisco, CA 94105.

MC 140829 (Sub-93TA), filed May 5, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Television sets, radios, phongraphs, stereo systems, recorders, and players, speaker systems, and audio equipment;* and (2) *accessories, components, and parts* for the commodities set forth in (1) above, from Bloomington and Indianapolis, IN, to points in the States of AZ, AR, CO, FL, IL, IA, KS, LA, MN, MO, NE, NM, ND, OK, TX, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: William M. Rodgers, Corporate Traffic Manager—Services & Warehousing, RCA, Cherry Hill, NJ 08034. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 141033 (Sub-41TA), filed April 25, 1978. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: A. J. Swanson, of Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, P.O. Box 11849, Lincoln, NE 68501. Authority sought to operate as *common carrier*, by motor vehicle over irregular routes, transporting: *Wire and cable* (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), from the facility of Cyprus Wire & and Cable Co. At Rome, NY, to points in the States of CA, CO, ID, IL, LA, KS, MN, MT, NE, NV, ND, OR, SD, UT, WA, WI, and WY, for 180 days. Supporting shipper: Cyprus Wire & Cable Co., 421 Ridge Street, Rome, NY 13440. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 139432 (Sub-8TA), filed May 9, 1978. Applicant: SUNRISE TRANSPORTATION, INC., 9350 East Highway 120, Manteca, CA 95336. Representative: Robert B. Hankins, Pierson, Ball & Dowd, 1000 Ring Building, 1200 18th Street NW., Washington, DC 20036. Authority sought to operate as *common carrier*, by motor vehicle over irregular routes, transporting: *Soda ash and lime*, in bulk, in tank or hopper-type vehicles from the plantsites of Kerr-McGee Chemical Corp., at Westend and Trona, CA, to all points in AZ, NM, and NV under a continuing contract or contracts with Kerr-McGee Chemical Corp., for 180 days. Supporting shipper: Kerr-McGee Chemical Corp., 680 South Wilshire Places, Los Angeles, CA 90005. Send protests to: District Supervisor A. J. Rodriguez, 211 Main, Suite 500, San Francisco, CA 94105.

MC 141776 (Sub-26TA), filed April 24, 1978. Applicant: FOODTRAIN, INC., Spring & South Center Streets, Ringtown, PA 17967. 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: *Margarine, salad dressings, and shortening*, in temperature-controlled vehicles (except in bulk, in tank vehicles), from St. Bernard, OH, to points in the States of CT, DE, DC, IL, IN, ME, MD, MI, MA, NH, NJ, NY, PA, RI, VT, and WI, for 180 days. Supporting shipper: The Miami Margarine Co., 5226 Vine Street, St. Bernard, OH 45217. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

MC 141776 (Sub-27TA), filed May 22, 1978. Applicant: FOODTRAIN, INC., Spring & South Center Streets, Ringtown, PA 17967. Representative: Pauline E. Myers, 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: *Imported frozen meats, viz: beef, lamb and veal, in boxes, in refrigerated equipment*, from the ports of Boston, MA; New York, NY; Philadelphia, PA, and Wilmington, DE, to points in the States of IL, IN, IA, KY, MI, MN, MO, OH, PA, TN and WI, for 180 days. Supporting shipper: A. J. Cunningham Packing Corp., 1776 Heritage Drive, Quincy, MA 02171. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

MC 143358 (Sub-5TA), filed April 27, 1978. Applicant: STATE EXPRESS, INC., P.O. Box 279, 4259 Old Drive Highway, Mountain View, GA 30070. Representative: Richard M. Tellelbaum, Serby & Mitchell, Fifth Floor, Lenox South, 3390 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the facilities of Bassett Furniture Industries, Inc., at or near Dublin and Macon, GA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies* used or useful in the manufacture and distribution of new furniture, from the destination territory in (1) above, to the facilities of Bassett Furniture Industries, Inc., at or near Dublin and Macon, GA. Rstriction: The services in parts (1) and (2) above are restricted to transportation under a continuing contract, or contracts, with Bassett Furniture Industries, Inc., for 180 days. Supporting shipper: Bassett Furniture Industries, Inc., P.O. Box 47, Newton, NC 28658. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW, Atlanta, GA 30309.

MC 143533 (Sub-2TA), filed April 24, 1978. Applicant: DIXON LEASING CO., INC., Old Egg Harbor Road, Lindenwold, NJ 08021. Representative: Calvin F. Major, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated asphalt roofing and accessories* (including nails and washers, rudge roll, skylight sheets and filler strips), from Fredericksburg, VA; Philadelphia, PA; Lindenwold and Port Elizabeth, NJ; to 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, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI, under a continuing contract, or contracts, with Onduline U.S.A., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Onduline U.S.A., Inc., Route 9, Box 195, Fredericksburg, VA 22401. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 143664 (Sub-3TA), filed May 10, 1978. Applicant: MEEUWSEN PRODUCE & GRAIN, INC., 9525 Ransom Street, Zeeland, MI 49464. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes; transporting: *Drugs and toilet articles and materials and supplies* used in the manufacture, sale, and distribution thereof, between Allegan, MI, and its commercial zone, on the one hand, and on the other, points in IL, IN, OH, WV, KY, MO, KS, OK, TN, AR, GA, FL, AL, MS, LA, and TX, under a continuing contract, or contracts, with L. Perrigo Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. Perrigo Co., 117 Walker Street, Allegan, MI 49010. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

MC 144122 (Sub-5TA), filed May 9, 1978. Applicant: CARRETTA TRUCKING, INC., South 160 Route 17 North, Paramus, NJ 07662. Representative: Joseph Carretta, South 160 Route 17 North, Paramus, NJ 07662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Staples and staple guns*, from the facilities of Arrow Fastener Co., Inc., at Saddle Brook, NJ, to Little Rock, AR, and its commercial zone and points in OK, LA, and TX, for 180 days. Supporting shipper: Arrow Fastener Co., Inc., 271 Mayhill Street, Saddle Brook, NJ 07663. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 144222 (Sub-2TA), filed May 9, 1978. Applicant: RONALD HACKENBERGER, d.b.a. RON'S TRUCKING SERVICE, Route 250 North, R.F.D. 3, Norwalk, OH 44857. Representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, OH 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products* (in bulk, in dump vehicles), from Maple Grove, OH, to Weirton, WV; Aliquippa and Sharon, PA, and Ashland, KY, for 180 days. Supporting shipper: Federal Lime & Stone Co., 20600 Chagrin Boulevard, Room 420, Shaker Heights, OH 44122. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 144370 (Sub-1TA), filed April 24, 1978. Applicant: DON NASS TRUCKING, INC., 210 Front Street, Clinton, WI 53525. Representative: Richard A. Westley, 4506 Regent Street, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Pabst Brewing Co. located at or near Peoria, IL, to the facilities of Badger State Mineral Water Co. at or near Darlington, WI; Davco Co., Inc., at or near Delavan, WI; Harry P. Goodall, Inc., at or near Janesville, WI; G. W. Betz, Inc., at or near Beloit, WI, and Portage Bottling Co., Inc., at or near Portage, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately five statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Madison, WI 53703.

MC 144473 (Sub-No. 2TA), filed April 18, 1978. Applicant: DORVAL CORP., 1201 Corbin Street, Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from points in the Commercial Zones of New York, NY; Philadelphia, PA; Wilmington, DE; to points in the States of PA, OH, IN, IL, KY, TN, WV, MI, MO, VA, and NC, under a continuing contract, or contracts, with M & N Meat Co., Pittsburgh, PA; Milrose Food Brokers of N.J., Inc., Springfield, NJ; A. J. Cunningham Packing Corp., Quincy, MA; Farrell Brokerage Co., Pittsburgh, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) M & N Meat Co., 201 Penn Center Boulevard, Pittsburgh, PA 15235. (2) Farrell Brokerage Co., 100 Bryn Mawr Court, Pittsburgh, PA. (3) Milrose Food Brokers of N.J., Inc., P.O. Box 3, Springfield, NJ 07081.

Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 144629 (Sub-No. 1TA), filed April 21, 1978. Applicant: B & W TRUCKING CO., 826 North 27th Street, Bismarck, ND 58501. Representative: Charles H. Johnson, 418 East Rosser Avenue, Bismarck, ND 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, from points in MT, ID, WA, and OR, to Bismarck and Mandan, ND; and (2) *roofing materials*, from the facilities of Certain Teed located at or near Shakopee, MN, to Bismarck and Mandan, ND. Restriction: Restricted to a transportation service to be performed under a continuing contract, or contracts, with Viking Homes, Inc., Bismarck, ND, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days or operating authority. Supporting shipper(s): Viking Homes, Inc., P.O. Box 2276, Bismarck, ND 58501. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building & U.S. Post Office, 657 2d Avenue North, Fargo, ND 58102.

MC 144664 (Sub-1TA), filed April 21, 1978. Applicant: M. FRANK THOMPSON, d.b.a. DOUBLE T TRUCKING, 1280 Monache Avenue, Porterville, CA 93257. Representative: Fred H. Mackensen, c/o Murchison & Davis, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry, ground or in pellets* (in bulk in hopper, bottom or end dump truck equipment or in mixed loads with exempt agricultural commodities), between points in CA, OR, and WA and the ports of entry on the International Boundary Line between the United States and Canada located in WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Royal Tallow & Soap Co., P.O. Box 24407, San Francisco, CA 94124. (2) H. J. Stoll & Sons, 2320 Southeast Grand Avenue, Portland, OR 97214. (3) Olympia Cattle Co., Route 8, Box 431A, Olympia, WA 98502. (4) Wilbur-Ellis Co., 1220 Northwest Marshall Street, Portland, OR 97208. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144669TA, filed April 18, 1978. Applicant: LARRY'S TRANSPORTATION, INC., 14725 South Broadway, Gardena, CA 90248. Representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite No. 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Larry's Food Products, Inc., located at Gardena, CA, to points in the United States (except AK and HI); (2) *foodstuffs, meats, packaging materials, supplies and acessories, related advertising material and promotional supplies, and materials, equipment, machinery parts and supplies*, utilized in the manufacture, sale and distribution of commodities in (1) above, from points in the United Stated (except AK and HI), to the facilities of Larry's Food Products, Inc., located at Gardena, CA; (3) *frozen foods, and commodities*, the transportation of which is exempt from economic regulation under the provisions of section 203(b) of the Interstate Commerce Act when moving in the same vehicle with commodities in (2) above, from points in the United States (except AK and HI), to the facilities of Larry's Food Products, Inc., located at Gardena, CA, under a continuning contract, or contracts, with Larry's Food Products, Inc., for 180 days. Supporting shipper(s): Larry's Food Products, Inc., 14725 South Broadway, Gardena, CA 90248. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 14472TA, filed April 25, 1978. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Paul F. Beery, Beery & Spurlock Co., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Books, magazines, periodicals and advertising material*, from the plantsite of Fairfield Graphics, Division of Arcata National, at Fairfield, PA, to points in IN, IL, MI, OH, KY, TN, WI, MN, IA, MO, AR, LA, NE, KS, OK, TX, WY, CO, NM, UT, AZ, WA, OR, CA, and NV; and (b) *material and supplies* used in the manufacture of books, magazines, periodicals and advertising material, from Kingsport, TN, to the plantsite of Fairfield Graphics, Division of Arcata National at Fairfield, PA, for 180 days. Supporting shippers: Fairfield Graphics, Division of Arcata National, Henry W. Spieler, manager, Traffic/Distribution, North Miller Road, P.O. Box AN, Fairfield, PA 17320. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 144752TA, filed May 9, 1978. Applicant: MICHEL'S GARAGE, INC., 4333 Highway 41 Franksville, WI 53126. Representative: Truman O. McNulty, 1100 West Wells Street, Milwaukee, WI 53233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers and semitrailers designed to be towed by motor vehicles and replacement vehicles therefor*, via wrecker-type equipment in nonradial authority, between all points and places within the following States: IN, IA, IL, and WI, for 180 days Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

PASSENGER CARRIER

MC 144673TA, filed April 24, 1978. Applicant: WISE WAY TRANSPORTATION LTD., 3967 Saanich Road, Victoria, BC, Canada. Representative: Douglas Grant Rice, 3967 Saanich Road, Victoria, BC, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in round-trip charters, beginning and ending at the ports of entry located at or near Blaine, Lynden, Sumas and Port Angeles, WA, and extending to points in WA, OR CA, NV, UT, and ID, for 180 days. Supporting shipper(s): (1) Drury's Evergreen Tours, 3612 Happy Valley Road, Victoria, BC, Canada. (2) 89 (Pacific) Squadron, RC, Air Cadets, 4481 Arsens Place, Victoria, BC. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18663 Filed 7-5-78; 8:45 am]

[7035-01]

[Notice No. 111]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 3, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These

rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 41406 (Sub-80TA), filed May 4, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, IN 46204. 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: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories* for the above named commodities, from DeKalb and Eureka, IL and Elkhorn, WI, to AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI, for 180 days. Supporting shipper: A. O. Smith Corp., G. T. Brewer, Corporate Director of Transportation and Distribution, P.O. Box 584, Milwaukee, WI, 53201. Send protests to: Transportaton Consumer Specialist Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 85718 (Sub-8TA), filed May 9, 1978. Applicant: SEWARD MOTOR FREIGHT, INC., P.O. Box 126, 1041 Elm Street, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate, sodium carbonate, and cleaning, scouring, and washing compounds* (except commodities in bulk and except soda ash), from points in Sweetwater, WY, to points in IL, KS, NE, IA, and MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. A. Coneys, Traffic Project Manager, Church & Dwight Co., Inc., P.O. Box 369, Piscataway, NJ 08854. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

MC 95876 (Sub-241TA), filed May 4, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, P.O. Box 1377, St. Cloud, MN 56301. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal products* from Warren, OH, to points in CO, MN, MT, ID, and UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Gypsum Co., 101 South Wacker Drive, Chicago, IL 60606. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

MC 113362 (Sub-329TA), filed April 28, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and materials, equipment and supplies* used in the manufacture of new furniture, from Archbold and Stryker, OH, to points in AL, AR, CO, CT, DE, GA, IA, KS, KY, LA, ME, MD, MA, MS, MO, NE, NH, NJ, NY, NC, OK, PA, RI, SC, TN, VT, VA, WV, and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sauder Woodworking Co., P.O. Box 156, Archbold, OH 43502. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 113434 (Sub-104TA), filed May 5, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, P.O. Box 511, Holland, MI 49423. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, products and supplies* used in or produced by the food processing industry (except commodities in bulk), from the facilities of Michigan Fruit Canners, Inc., and M. Steffen Co. at or near Coloma, MI to points and places in OH, for 180 days. Supporting shipper: Michigan Fruit Canners, Inc., Division Curtice-Burns, Inc., Box 206, Coloma, MI 49308. M. Steffen Co., 236 West Street, P.O. Box 268, Coloma, MI 49038. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

MC 114312 (Sub-31TA), filed May 9, 1978. Applicant: ABBOTT TRUCKING, INC., R. No. 3, Box 74, Delta, OH 43515. Representative: George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, OH 43515. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Lancaster, PA, to points in OH, IN, IL, MI, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Peat Co., Box 7368, Toledo, OH 43615. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 115654 (Sub-93TA), filed May 5, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by wholesale and retail grocery houses, from the facilities of Southern States Distribution, Inc. at or near Memphis, TN to points in AL, AR, MS, LA, FL, TN, KY (on and west of U.S. Hwy 31E), and MO (on and south of U.S. Hwy 66) for 180 days. Supporting shipper: Southern States Distribution, Inc., 1655 Panama Street, Memphis, TN 38103. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 118838 (Sub-25TA), filed May 5, 1978. Applicant: GABOR TRUCKING, INC., Rural Route No. 4, Box 124B, Detroit Lakes, MN 56501. Representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 56501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mustard and mustard products and blends and mixes thereof*, from Grand Forks, ND, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of mustard and mustard products and blends and mixes thereof, from Baltimore, MD, St. Clair, MI, Hammond, IN, and Chicago, IL, to Grand Forks, ND, for 180 days. Restriction: Restricted to the transportation of traffic originating at or destined to the facilities of Baltimore Spice Co. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Baltimore Spice Co., P.O. Box 5858, Baltimore, MD 21208. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

MC 119789 (Sub-467TA), filed May 5, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from points in CT, NJ, NY, and PA to points in AZ, AR, CA, CO, ID, KS, LA, MO, MT, NV, NM, OK, OR, TX, UT, WA, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (11) statements of support attached to the application which may be examined at the field office named below. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 123765 (Sub-13TA), filed April 18, 1978. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: Wm. C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by lawn and garden supply houses, from Milwaukee, WI, to points in that part of IL bounded by a line beginning at the junction of the IL-IN State line and U.S. Hwy 24, and extending therefrom in a westerly direction along U.S. Hwy 24 to junction U.S. Hwy 51, then in a northerly direction along U.S. Hwy 51 to junction U.S. Hwy 52, then in a northwesterly direction along U.S. Hwy 52 to junction IL Hwy 78, then in a northerly direction along IL Hwy 78 to the IL-WI State line, then easterly along said State line to Lake Michigan and extending to all points and places on said boundary lines, and their respective commercial zones, restricted to traffic originating at the facilities of Loft-Kellog Seed, Inc., at Milwaukee, WI, and destined to points in IL named above, for 180 days. Supporting shipper(s): Loft-Kellog Seed, Inc., P.O. Box 684, Milwaukee, WI 53201. (Donald G. Stein) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 124284 (Sub-2TA), filed April 24, 1978. Applicant: WALKER TRANSFER, INC., 200 Barnett Avenue, Roxboro, NC 27573. Representative: Charles E. Hubbard, 25 Abbitt Street, Box 601, Roxboro, NC 27573. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding, storm doors, storm windows, hinges, locks and hardware* used in connection with storm doors and windows, from the plantsite of Loxscreen, Co., Inc., at Roxboro, NC, to points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and DC; and materials and supplies used in the manufacture of the above specified commodities and damaged or defective shipments of above specified commodities, stainless steel, aluminum, glass, vinyl, hinges, locks and hardware, from points in destinations named above to site of plant of Loxscreen Co., Inc., at Roxboro, NC, for 180 days. Supporting shipper: Loxscreen Co., Inc., Highway 501 South, Roxboro, NC 27573. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 126489 (Sub-32TA), filed May 15, 1978. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, KS 67501. Representative: William B. Barker, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed grain and soybean products*, from Hutchinson, KS, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NJ, MN, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY, for 180 days. Supporting shipper: Far Mar Co., Inc., 960 North Halstead, Hutchinson, KS 67501. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

MC 128246 (Sub-27TA), filed May 4, 1978. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box A.D., Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats, frozen meat products, and frozen meat by-products*, as described in section A of Appendix I to the report in Descriptions In Motor Carrier Certificates, 61 MCC 209 and 755 (except commodities in bulk); and (2) *frozen fish and shellfish, frozen poultry and frozen eggs*, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Commission Act, when moving in mixed loads with the commodities specified in (1) above, from the facilities of Safeway Stores, Inc., located at the storage facilities of Inland Storage Distribution Center at or near Kansas City, KS, to the facilities of Safeway Stores, Inc., located at or near Tempe, AZ; National City, Richmond, Sacramento and Santa Fe Springs, CA; Butte, MT, Clackamas, OR; Salt Lake City, UT; and Bellevue and Spokane, WA, under a continuing contract or contracts with Safeway Stores, Inc., of Oakland, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Safeway Stores, Inc., 5725 East 14th Street, Oakland, CA 94660. Send protests to: District Supervisor Michael M. Butler, Suite 500, 211 Main, San Francisco, CA 94105.

MC 128273 (Sub-302TA), filed May 9, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains and varnishes*, from facilities of Baltimore Paint & Chemical Co., Coatings Division of Dutch Boy, Inc., in Baltimore, MD, to points in IL, IN, MI, NE, OH, OK, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Baltimore Paint & Chemical Co., Coatings Division of Dutch Boy, Inc., 2325 Hollins Ferry Road, Baltimore, MD 21230. Send protests to: M. E. Taylor, District Supervisor, Inter-

state Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

MC 128988 (Sub-100TA), filed April 19, 1978. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, CA 91749. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning units*, from the plantsites and warehouse facilities of Fraser & Johnston Co. at or near Elyria and Medina, OH, and Norman, OK, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, and WA. Restrictions: The operations authorized herein are subject to the following conditions: (1) said operations are restricted against the transportation of those commodities which because of their size or weight require the use of special equipment; and (2) said operations are limited to a transportation service to be performed under a continuing contract or contracts, with Fraser & Johnston Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fraser & Johnston Co., 3374 Enterprise Avenue, Hayward, CA 94545. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA.

MC 129701 (Sub-4TA), filed June 1, 1978. Applicant: JASPER FURNITURE FORWARDING, INC., P.O. Box 146, Huntingburg, IN 47542. Representative: Orville G. Lynch, P.O. Box 364, Westfield, IN 46074. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight all kinds*, having prior or subsequent movement via railroad in trailer-on-flat-car or container-on-flat car service, between the facilities of Soundesign Corp., at or near Santa Claus, Spencer, Co., IN, and Evansville and Indianapolis, IN, Louisville, Owensboro, and Princeton, KY; Cicinnati, OH, and Chicago, IL, for 180 days. Supporting shipper: Soundesign Corp., Hwy 162, Santa Claus, IN. Send protests to: Beverly J. Williams Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 133330 (Sub-13TA), filed May 5, 1978. Applicant: HALVOR LINES, INC., P.O. Box 6227, Duluth, MN 55806. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shafting, engines, bearings, axles, honed tubing, carrier units, wheels, iron and steel articles, batteries, boom sections, pinion gears, winches, electric collectors, oil coolers, electric motors, seats, cylinder castings, head stems, cabs, magnets, shot blast material, and hydraulic valves, actuators, hoses and fittings*, (1) from Mongtomery, AL; Atlanta and Augusta, GA; Ames, IA; Gary, IN; Addison, Chicago, Harvey, Hickory Hills, and Riverdale, IL; Coffeyville, KS; Jeanerette, LA; Walpole, MA; Kalamazoo, Muskegan, Wyandotte, MI; Eden Prairie, Litchfield, Mendota Hts., Minneapolis, Plymouth Village, and St. Paul, MN; St. Louis, MO; Omaha, NE; Buffalo, NY; Aurora, Avon, Brecksville, Cleveland and Ravenna, OH; Broken Arrow, Cherokee, and Tulsa, OK; Charleston and Kaydon, SC; Dallas, Laredo, and Lonestar, TX; Franklin, VA; and Milwaukee and Reedsburg, WI; and (2) from the ports of entry on the International Boundary Line between the United States and Canada located at Detroit and Sault Ste. Marie, MI; Grand Portage, International Falls and Noyes, MN; Pembina and Portal, ND; Sweetgrass, MT and Blaine, WA, to the facilities of Barko Hydraulics, Inc., at Superior, WI, under a continuing contract or contracts with Barko Hydraulics, Inc., for 180 days. Restriction: Restricted in (2) above to traffic moving in foreign commerce originating at Calgary and Edmonton, AB; Vancouver, BC; Winnipeg, Manitoba and Mississaugua, Rexdale and Thunder Bay, ON. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Barko Hydraulics, Inc., Box 2667, Duluth, MN 55806. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

MC 134404 (Sub-38TA), filed May 7, 1978. Applicant: AMERICAN TRANSFREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Five World Trade Center, Suite 6193, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, chemicals, medicines, and toilet preparations* (except commodities in bulk), from West Haven, CT, and Gloucester City, NJ, to Mechanicsburg, PA under a continuing contract or contracts with Miles Laboratories, Inc. of Elkhart, IN for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, IN 46514. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 135945 (Sub-4TA), filed May 5, 1978.

Applicant: BOB HILDEBRANDT, Prescott, WI 54021. Representative: James T. Flescher, 1745 University Avenue, St. Paul, MN 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Dry animal and poultry feed* in bag or in bulk or in combination moving in the same truck equipped with self-unloading equipment by auger discharge from New Richland, MN, to points in the upper peninsula of MI and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shippers: (1) Cargill, Nutrena Feed Division, P.O. Box 9300, Minneapolis, MN 55440; and (2) Heger Co., 2562 East Seventh Avenue, North St. Paul, MN 55109. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

MC 139495 (Sub-349TA), filed April 11, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting A. *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves, castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, automatic fire protection and prevention systems, and air heaters, blowers, and parts* (except those commodities which because of size or weight require the use of special equipment), from the facilities utilized by Grinnell Corp., at or near Columbia, PA, to all points in and east of MI, IN, KY, TN, MS, and LA; B. *Fire protection and fire prevention systems, and parts and accessories therefore* (except commodities which, because of size or weight, require the use of special equipment), from the facilities of the Grinnell Corp., at or near Warren, OH, to all points in and east of MN, IA, IL, KY, TN, AR, and LA; C. (1) *Materials and supplies* used in the manufacture of the commodities specified in A above, from Chicago, IL; Columbus, OH; East Liverpool, OH; Frostburg, MD; to Columbia, PA, and (2) *Materials and supplies* used in the manufacture of the commodities ge b06ju3.240specified in B above, from Birmingham, AL; Anaheim, CA; Houston, TX, to Warren, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: ITT—Grinnell, 260 West Exchange, Providence, RI 02901. Send protests to: M. E. Taylor, District

Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

MC 141402 (Sub-13TA), May 5, 1978. Applicant: LINCOLN FREIGHT LINES, INC., State Highway Route 32, P.O. Box 332, Lapel, IN 46051. Representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from the facilities of Aim Packaging, Inc., near Port Clinton, OH to Danville, IL; Michigan City and Indianapolis, IN; Franklin, KY; St. Paul, MN; St. Louis, MO; and Racine, WI, under continuing contractor or contracts with Aim Packaging, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Aim Packaging, Inc., P.O. Box 278, Port Clinton, OH 43452. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 14559 (Sub-15TA), filed May 5, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, boilers, water storage tanks, disposals and parts* used in the manufacture thereof, from Kankakee, IL, to points in the States of GA, NC, and SC, for 180 days. Supporting shipper: A. O. Smith Corp., P.O. Box 28, Kankakee, IL 60901. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 143184 (Sub-3TA), filed May 3, 1978. Applicant: DARREL W. PRICE, d.b.a. MODULAR WEST TRANSPORT, 705 33d Street, Ogden, UT 84403. Representative: Frank M. Wells, attorney at law, 550 24th Street, Ogden, UT 84401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated modules* in sections without fixed undercarriages, from the facilities of Boise Cascade Corp. at or near West Jordan, UT, to points in NV and WY, under a continuing contract or contracts with Boise Cascade Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corp., P.O. Box 7747, Boise, ID 83707 (Charles G. Wise, Manager, Transportation Commerce). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

MC 144231 (Sub-1TA), filed May 5, 1978. Applicant: LEANN, INC., Southway Street SE., Box 144, Massillon, OH 44646. Representative: James W. Muldoon, Esq., 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and such commodities* as are dealt in by manufacturers or distributors of packinghouse products, between the facilities of Worthington Packing Co., Inc., Sugardale Foods, Inc., and Superior's Brand Meats, Inc., located at Worthington, IN, and Canton and Massillon, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract or contracts with Worthington Packing Co., Inc., Sugardale Foods, Inc., Superior's Brand Meats, Inc., for 180 days. Supporting shippers: Worthington Packing Co., Inc., Sugardale Foods, Inc., Superior's Brand Meats, Inc., Southway, S. W., Massillon, OH 44646. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 144605 (Sub-1TA), filed May 4, 1978. Applicant: HOPPY LINES, INC., 420 Devonshire Drive, Brea, CA 92521. Representative: Miles L. Kavaller, Mandel & Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent light bulbs* from the facilities of Westinghouse Electric Corp., at Fairmont, WV, to the facilities of Westinghouse Corp., located at Emerville and Vernon, CA, and Tukwila, WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westinghouse Electric Corp., 290 Leger Road, North Huntington, PA 15642. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144734TA, filed May 4, 1978. Applicant: WEST WIND ENTERPRISES, LTD., P.O. Box 1004, Arvada, CO 80003. Representative: Michael R. Vanderburg, 5416 So. Yale, Suite 402, Tulsa, OK 74135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment and supplies*, including pipe, tanks, and tank materials; tools; heavy machinery; motors, engines and parts and pumps from, to or between MT, WY, CO, UT, KS, AZ, NM, OK, and TX, for 180 days. Supporting shipper(s): There are approximately (4) statements of support attached to the application which may be examined at the field office named below. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18664 Filed 7-5-78; 8:45 am]

[7035-01]

[Decisions Volume No. 12]

DECISION-NOTICE

Decided: June 28, 1978.

The following applications are governed by special rule 247 of the Commission's Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute

an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority. Also, where authority has been sought within a single-State, authority to provide such service has been deleted where there has been no showing that such service would be other than intrastate in nature.

We find preliminarily that, with the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) to authorization, each applicant has demonstrated that its proposed service should be authorized. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered: In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

NANCY L. WILSON,
Acting Secretary.

MC 921 (Sub-33F), filed May 22, 1978. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 631, Corinth, MS 38834. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority granted to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Alcorn, Prentiss, and Tishomingo Counties, MS, as intermediate and off-route points in connection with applicant's presently authorized regular-route operations. (Hearing site: Corinth, MS.)

MC 26396 (Sub-182F), filed May 18, 1978, previously noticed in the FEDERAL REGISTER issue of June 15, 1978. Applicant: POPELKA TRUCKING CO., INC., d.b.a. The Waggoners, P.O. Box 990, Livingston, MT 59047. Representative: Sharon L. Hamlett (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Bentonite,* from points in Crook County, WY, to points in the United States (except AK, HI, and WY), restricted to the transportation of shipments originating at the facilities of American Colloid Co. in Crook County, WY, and (2) *coal,* from Gascoyne, ND, to points in CA, IA, NM, OK, and TX. (Hearing site: Chicago, IL, or Billings, MT.)

NOTE.—This republication clarifies the origin in part (1) as Crook County, WY.

MC 31389 (Sub-249F), filed June 12, 1978. Applicant: McLEAN TRUCKING CO., a corporation, P.O. Box 213, Winston-Salem, NC 27102. Representative: David F. Eshelman (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Klockner-Pentaplast of America, Inc., at or near Gordonsville, VA, as an off-route point in connection with applicant's presently authorized regular route operations. (Hearing site: Washington, DC.)

MC 51146 (Sub-598F), filed June 1, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *paper and paper products, plastic products, products produced and distributed by manufacturers and converters of paper and paper products and plastic products,* and *materials, equipment, and supplies* used in the manufactures and distribution of the above-described commodities, between the facilities of The Continental Group, Inc., at or near Chicago and Shelbyville, IL, Atlanta, GA, Millville, NJ, Louisville, KY, and Fort Worth and Saginaw, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 51146 (Sub-599F), filed June 1, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *plastic containers,* and *materials, equipment,* and *supplies* used in the manufacture and distribution of plastic containers, between the facilities of The Continental Group, in Hillsborough County, NH, Kent County, MI, and Morris and Passaic Counties, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 82079 (Sub-65F), filed June 5, 1978. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Yoplait U.S.A., Inc., in Reed City, MI, to Lexington and Louisville, KY, points in Allegheny, Fayette, and Westmoreland Counties, PA, and those in IL, IN, and OH, restricted to the transportation of shipments originating at the named origin and destined to the indicated destinations. (Hearing site: Lansing or Detroit, MI.)

NOTE.—Dual operations may be involved in these proceedings.

MC 94265 (Sub-270F), filed May 30, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305—Route 460, Windsor, VA 23487. Representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pizza, Pizza Crust, and Pizza Products,* in vehicles equipped with mechanical refrigeration, from the facilities of Virga's Pizza Crust of Virginia, Inc., at or near Portsmouth, VA, to points in that part of MI south of MI Hwy 21, Chicago, IL, and those in that part of IL within 35 miles of Chicago. (Hearing Site: Norfolk, VA, or Washington, DC.)

MC 94350 (Sub-410F), filed May 18, 1978. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr. (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *trailers,* designed to be drawn by passenger automobiles (except travel and camper trailers), from Loveland, CO, 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, thence northward 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); and (2) *buildings*, in sections, mounted on wheeled undercarriages, from Loveland, CO, to the destination territory described in (1) above (except AK, HI, MT, NM, and WY). (Hearing site: Denver, CO.)

NOTE.—The certificate in this proceeding will be a limited to a period expiring 3 years from the effective date thereof unless, not less than 2.5 years nor more than 2.75 years from the date of issuance of the certificate, applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

MC 107064 (Sub-125F), filed May 22, 1978. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, TX 75221. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority grantedto operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products*, and *chemicals*, in bulk, from the facilities of Jefferson Chemical Co., Inc., at or near Port Neches, Conroe, and Austin, TX, to points in AZ, CA, CO, IA, ID, KS, MT, ND, NE, NM, NV, OK, OR, SD, UT, WA, and WY, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 107295 (Sub-879F), filed May 30, 1978. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61482. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Gypsum products*, from Grand Rapids, MI, to points in MN. (Hearing site: Chicago, IL.)

MC 107839 (Sub-177F), filed June 8, 1978. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, CO 80216. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80216. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tea*, from New Orleans, LA, to Denver, CO. (Hearing site: Denver, CO.)

MC 111545 (Sub-252F), filed May 30, 1978. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born, (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *self-propelled vehicles, backhoes, cranes, and lift trucks*, and (2) *attachments and accessories for the commodities in (1) above, and (3) parts for the commodities in (1) and (2) above*, from Tift County, GA, to points in the United States (except AK, GA, and HI). (Hearing site: Atlanta, GA.)

MC 113459 (Sub-122F), filed June 9, 1978. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73109. Representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority granted to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), between Denver, CO, on the one hand, and, on the other, points in MT, NM, ND, SD, and UT. (Hearing site: Denver, CO, or, Dallas, TX.)

MC 113855 (Sub-421F), filed May 8, 1978, Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *construction, road building, earthmoving, excavating, loading, maintenance, logging, and mining machinery and equipment*, and (2) *Tractors* (except truck tractors), *pipelayers, generators, internal combustion engines, and generators and engine combined*, and (3) *Accessories, attachments, and parts* for the commodities in (1) and (2) above, between points in NM and TX, on the one hand, and, on the other, points in the United States (including AK, but excluding HI), restricted to the transportation of shipments originating at or destined to the facilities of Rust Tractor Company and its affiliate Rust Equipment Company, of Albuquerque, NM. (Hearing site: Washington, D.C.)

MC 113855 (Sub-428F), filed May 30, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Underground tunnel support systems, steel beams, structural steel plates, nuts, bolts, machinery*, and *machine parts*, (1) between the facilities of Commercial Shearing, Inc., at Youngstown, OH, Canton, OH, and Export, PA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI); and (2) between the facilities of Commercial Stamping and Forging, at Bedford Park, IL, on the one hand, and, on the other, points in the United Sates (including AK, but excluding HI). (Hearing site: Washington, D.C.)

MC 115826 (Sub-318F), filed June 1, 1978. Applicant: W. J. DIGBY, INC., 1960-31 Street, Denver, CO 80217. Representative: Howard Gore (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products*, and *meat byproducts* (except commodities in bulk) from Boulder, CO, to points in the United States (except AK, CO, and HI). (Hearing site: Denver, CO.)

MC 119789 (Sub-479F), filed June 12 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *such commodities* as are dealt in by electrical contractors and distributors, from Athens, TN, and Pittsburgh, PA, to Denver, CO, Dallas, TX, Seattle, WA, and Oakland and Cerritos, CA. (Hearing site: Pittsburgh, PA.)

MC 123329 (Sub-37F), filed June 2, 1978. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from points in Whatcom County, WA, to ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, WA, restricted to the transportation of shipments moving in foreign commerce, to points in BC, Canada. Condition: Prior receipt from applicant of an affadavit setting forth its appropriate Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Great Falls, MT.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of the Provinces of AB, SK, and MB regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were im-

posed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 123819 (Sub-61F), filed June 8, 1978. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper*, in rolls, from Pine Bluff, AR, to Monroe, LA; and (2) *Polythylene products*, from Monroe, LA, to points in AL, AR, GA, IL, IN, KS, LA, MI, MS, MO, OK, and TN. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 124344 (Sub-No. 12F), filed May 5, 1978. Applicant: HINER TRANSPORT, INC., 1317 South Jefferson Street, Huntington, IN 46750. Representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool insulation* (except in bulk), from Huntington, IN, to points in the United States in and east of KS, ND, NE, OK, SD, and TX (except IN), and (2) *Materials* and *supplies* used in the manufacture and distribution of mineral wool insulation, in the reverse direction, under a continuing contract, or contracts, with Guardian Insulation, Division of Guardian Industries Corp, of Northville, MI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 124951 (Sub-40F), filed May 17, 1978. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, KY 42420. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *empty containers*, between Henderson, KY, and the facilities of Olympia Brewing Co., St. Paul, MN. Condition: In view of the findings in No. MC 124951 (Sub-Nos. 36 and 37), of which official notice is taken, the certificate to be issued herein shall be limited in point of time to a period expiring 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to the expiration), applicant files a petition for a permanent extension of the certificate showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Evansville, IN, or Louisville, KY.)

MC-125254 (Sub-33F), filed May 22, 1978. Applicant: MORGAN TRUCKING CO., a corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from St. Paul, MN, to Muscatine, IA. (Hearing site: Des Moines, IA, or Minneapolis, MN.)

MC-125894 (Sub-8F), Filed May 22, 1978. Applicant: J. & R. SCHUGEL TRUCKING, INC., 301 North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and feed ingredients*, from the facilities of Martrex, Inc., at Willmar, MN, to points in ND and SD. (Hearing site: St. Paul, MN.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC116446.

MC 133318 (Sub-11F), filed June 5, 1978. Applicant: VAN DE HOGEN CARTAGE, LTD., 2590 Dougall Avenue, Windsor, Ontario, Canada N8X 1T7. Representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, NY 14202. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and waferboard*, from ports of entry on the international boundary line between the United States and Canada, at points in MI and NY, to points in DE, IL, IN, KY, MD, MI, NJ, NY, NC, OH, PA, VA, WV, and DC, restricted to the transportation of shipments originating at ON, Canada, under a continuing contract, or contracts, with Empire Wholesale Lumber Co., of Akron, OH, and McParland Lumber Ltd, of Etobicoke, ON, Canada. Condition: Prior receipt from applicant of an affidavid setting forth its appropriate Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Buffalo, NY.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of the Provinces of AB, SK, and MB regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions on conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 134755 (Sub-147F) filed May 30, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in the United States (except AK, AZ, CA, CT, FL, HI, ID, MA, ME, MS, NH, NJ, NY, OR, RI, UT, VT, and WA). (Hearing site: Kansas City, MO, or Detroit, MI.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 138398.

MC 135078 (Sub-27F), filed June 5, 1978. Applicant: AMERICAN TRANSPORT, INC., 7580 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from points in Jefferson County, CO, to points in IA and MO; and (2) *empty containers and materials for recycling*, from points in IA and MO, to points in Jefferson County, CO. (Hearing site: Denver, CO.)

Dual operations may be involved in these proceedings.

MC 135078 (Sub-29F), filed June 12, 1978. Applicant: AMERICAN TRANSPORT, INC., 7580 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Felt-base carpeting, vinyl samples, and adhesives*, from points in NJ and PA, to points in AR, AZ, CO, KS, LA, MS, NM, OK, TX, UT, and WY. (Hearing site: Dallas, TX, or Omaha, NE.)

Dual operations may be involved in these proceedings.

MC 135895 (Sub-22F), filed May 8, 1978. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, sand products, and mineral fillers*, (except commodities in bulk), from the facilities of Radcliff Material, Inc., at or near Mobile, AL, from points in LA and MS. (Hearing site: Mobile, AL.)

MC 136008 (Sub-98F), filed June 5, 1978. Applicant: JOE BROWN CO., INC., 20 Third Street NE., Ardmore, OK 73401. Representative: John Tipsword, 8005 South I-35, Suite 102, Oklahoma City, OK 73149. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from the

facilities of Tennessee Valley Authority Steam Plants, in AL and TN, to the facilities of Yellow Creek Nuclear Plant, in Tishomingo County, MS. (Hearing site: Chattanooga, TN, or Oklahoma City, OK.)

MC 138882 (Sub-78F), filed June 2, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from Memphis, TN, to points in KY, IN, IL, MO, KS, OK, AR, LA, MS, TX, AL, NE, and IA. (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-79F), filed June 2, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of Celotex Corp., at Chicago and Wilmington, IL, to points in WI, IA, KA, KS, NE, MO, KY, IN, MI, OH, WV, MN, NY, and MA. (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-80F), filed June 2, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of the Celotex Corp., at Pennsauken, NJ, to points in OH, WV, MI, IN, IL, KY, TN, MS, AL, FL, GA, NC, and SC. (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-82F), filed June 2, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of the Celotex Corp., at Sunbury, PA, to points in OH, WV, IN, IL, MI, KY, TN, VA, NC, SC, GA, FL, AL, and MS. (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-84F), filed June 5, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of the Celotex Corp., at Linden, NJ, to points in NC, SC, GA, FL, AL, MS, TN, KY, IL, IN, OH, MI, and WV. (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-90F), filed June 7, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of the Celotex Corp., at Dubuque, IA, to points in IL, IN, MI, KY, OH, and MO. (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-93F), filed June 7, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores (except commodities in bulk), from New York, NY, to Houston and Dallas, TX, and New Orleans, LA. (Hearing site: New York, NY, or Montgomery, AL.)

MC 138882 (Sub-94F), filed June 7, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of the Celotex Corp., at Perth Amboy, NJ, to points in NC, SC, GA, FL, AL, MS, TN, KY, IL, IN, OH, MI, and WV. (Hearing site: New York, NY, or Tampa, FL.)

MC 139395 (Sub-1F), filed June 8, 1978. Applicant: BULK TRANSIT CORP., 2040 North Wilson Road, Columbus, OH 43228. Representative: Charles S. DeRousie, P.O. Box 1008, 52 East Gay Street, Columbus, OH 43216. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burnt lime and limestone*, in bulk, from points in Pendleton County, KY, to the facilities of Armco Steel Corp. at or near Middletown, OH. (Hearing site: Columbus, OH.)

MC 139460 (Sub-28F), filed May 16, 1978. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, NY 12828. Representative: J. Fred Relyea (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbonate*, in bulk, in tank vehicles, from Swanton, VT, to Sangerfield and Gouverneur, NY. (Hearing site: Burlington, VT, or Albany, NY.)

MC 139460 (Sub-29F), filed June 1, 1978. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, NY 12828. Representative: J. Fred Relyea (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding sand*, in bulk, in tank vehicles, from Oregon and Wedron, IL, to Schenectady, NY. (Hearing site: Albany, NY, or Washington, DC.)

MC 139468 (Sub-28F), filed June 12, 1978. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., a Nebraska corporation, 6534 Gessner, Houston, TX 77040. Representative: John T. Wirth, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, CO 80202. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel sheeting and coil*, from the facilities of Midwest Steel Division, National Steel Corp., at or near Portage, IN, to St. Louis, MO, under a continuing contract, or contracts, with Midwest Steel Division, National Steel Corp., of Pittsburgh, Pa. (Hearing site: Chicago, IL, or Houston, TX.)

MC 139482 (Sub-59F), filed May 18, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in packages or blocks, from Manistee and Port Huron, MI, Rittman, OH, and Hutchinson, KS, to points in WI. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable duel operations because of its authority under MC 133882 Sub-No. 1.

MC 139495 (Sub-10F), filed June 2, 1978. Applicant: TRANS CONTINENTAL CARRIERS, a corporation, 169 Liberty Avenue, Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Medina and Cuyahoga Counties, OH, to points in WY, MT, OR, WA, CA, UT, ID, NV, AZ, and NM, under a continuing contract, or contracts, with Donn Products, Inc., of Westlake, OH. (Hearing site: Los Angeles, CA.)

MC 140581 (Sub-29F), filed May 9, 1978. Applicant: TOMMY HAGWOOD, d.b.a., HAGWOOD ENTERPRISES, 2472 Pinson Highway, Birmingham, AL 35217. Representative: William P. Jackson, Jr., 3426 North

Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used motor vehicles, and baggage, sporting equipment, personal effects and accessories or parts* for used motor vehicles, when moving with used motor vehicles, and (2) *new motor vehicles*, in truckaway service, between Wilmington, DE, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 140615 (Sub-27F), filed May 31, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Jacob P. Billig, 2033 "K" Street NW., Washington, DC 20006. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *cheese and cheese products*, from Wisconsin Rapids, WI, to points in CA. (Hearing site: Washington, DC, or Madison, WI.)

MC 140829 (Sub-103F), filed May 30, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *soap, cleaning compounds, and toilet preparations*, (except commodities in bulk, tank vehicles), from Kansas City, KS, to points in ND and SD. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 136409.

MC 141232 (Sub-5F), filed May 31, 1978. Applicant: STATEWIDE TRUCKING CO., a corporation, 1801 West Oxford, Englewood, CO 80110. Representative: A. B. Ballah, Jr. (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *building materials and fence materials and supplies* (except commodities in bulk, in tank vehicles), between Denver, CO, on the one hand, and, on the other, points in NM on and north of Interstate Hwy 40. (Hearing site: Denver, CO.)

MC 141363 (Sub-No. 7F), filed April 12, 1978, previously noticed in the FEDERAL REGISTER issue of May 25, 1978. Applicant: J. M. MARC TRANSPORTATION, INC., 7 Ladik Street, Piermont, NY 10968. Representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *paper and paper products, and materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between Castleton-on-Hudson, NY, Holyoke, MA, and Edgely, PA, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, PA, RI, and DE, under a continuing contract, or contracts, with Brown Co., of Kalamazoo, MI. (Hearing site: New York, NY.)

NOTE.—The purpose of this correction is to indicate that contract carrier authority is authorized.

MC 142167 (Sub-3F), filed June 5, 1978. Applicant: MICHAELSEN TRUCK LINE, INC., 1619 South Garfield, Mason City, IA 50401. Representative: Steven C. Schoenebaum, 1200 Register and Tribune Bldg., Des Moines, IA 50309. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *soybean meal* (except in tank vehicles, and liquid commodities in bulk), from the facilities of Farmers Grain Dealers Association of Iowa, at or near Mason City, IA, to Elburn, Hampshire, Poplar Grove, Marengo, Belvidere, and McHenry, IL, under a continuing contract, or contracts, with Farmers Grain Dealers Association of Iowa, of Mason City, IA. (Hearing site: Des Moines, IA, or Minneapolis, MN.)

MC 142608 (Sub-6F), filed June 8, 1978. Applicant: ASCENZO BROTHERS, a corporation, 1968 Eastchester Road, Bronx, NY 10461. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, as described in appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, between Philadelphia, PA, on the one hand, and, on the other, points in ME, MA, NH, RI, and VT, under a continuing contract, or contracts, with Interstate Iron & Supply Co., of Phildelphia, PA. (Hearing site: New York, NY.)

MC 142672 (Sub-21F), filed May 25, 1978. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *electric motors, grinders, buffers, dental lathes, dust collectors, and pedestals*, (2) *parts, accessories, and attachments* for the commodities in (1), and (3) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk), between the facilities of Baldor Electric Co., at Fort Smith, AR, on the one hand, and, on the other, points in the United States (except AR, AK, and HI). (Hearing site: Fort Smith or Little Rock, AR.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 142065.

MC 142897 (Sub-10F), filed June 1, 1978. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *sporting goods, and equipment, materials, and supplies* used in the manufacture of sporting goods, between Chicopee, MA, on the one hand, and, on the other, points in the United States (except AK, HI, and MA), under a continuing contract, or contracts, with Questor Corp., of Toledo, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 143127 (Sub-7F), filed May 30,1978. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: John M. Nader, Route 3, Box 4, Bowling Green, KY 42101. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *foodstuffs* (except frozen and in bulk), from the facilities of Michigan Food Canners, Division of Curtice-Burns, Inc., at Benton Harbor, Coloma, South Haven, and Fennville, MI, to points in the United States in and east of MN, IA, MO, AR, and LA (except MI): and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of foodstuffs, in the reverse direction, restricted in (1) above to the transportation of traffic orginating at the named facilities, and in (2) above to the transportation of traffic destined to the named facilities. (Hearing site: Rochester or Buffalo, NY.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 138991.

MC 143236 (Sub-16F), filed June 1, 1978. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, NJ 07032. Representative: Jay Schiffres, Suite 625, 1001 Connecticut Avenue NW., Washington, DC 20006. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *toys, games*, and such commodities as are sold in toy stores, between the stores and warehouses of Toys "R" Us at points in the United States in and east of MN, IA, NE, CO, OK, and TX. (Hearing site: Washington, DC, or Newark, NJ.)

MC 143329 (Sub-2F), filed June 8, 1978. Applicant: JIM S. PAPPAS d.b.a.

JIM'S SERVICE, 8300 West 102nd Street, Overland Park, KS 66212. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Lawrence, KS, to Johnston City, IL, and Olivette and Union, MO, under a continuing contract, or contracts, with TV Guide, of Kansas City, MO. (Hearing site: Kansas City, MO.)

No. MC 143408 (Sub-No. 1F), filed June 12, 1978. Applicant: PENSACOLA INDUSTRIAL SERVICES, INC., 3711 North Palafax Street, Pensacola, FL 32505. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty fibreboard drums*, from Lithonia and Tucker, GA, to Gonzalez, FL. (Hearing site: Pensacola, FL, or Atlanta, GA.)

No. MC 143500 (Sub-No. 2F), filed May 25, 1978. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: James E. Savitz, Suite 145, Four Professional Drive, Gaithersburg, MD 20760. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet, and aluminum foil* from the facilities of the Anaconda Co., Aluminum Division, at or near Louisville, KY, and Terre Haute, IN, to points in UT, WA, OR, CA, AZ, and TX. (Hearing site: Louisville, KY or Indianapolis, IN.)

No. MC 143634 (Sub-No. 2F), filed May 8, 1978. Applicant: WILLIAM CAMPBELL, 611 Old Toll Road, Madison, CT 06443. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire fencing, fence posts, gates*, and *wire cloth*, between Georgetown, CT, and Sudbury, MA, on the one hand, and, on the other, Blue Island, IL, under a continuing contract, or contracts, with the Gilbert and Bennett Manufacturing Co., of Georgetown, CT. (Hearing site: Hartford, CT or New York, NY.)

MC 143775 (Sub-4F), filed May 23, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Mayville, WI, Hoopeston and Princeville, IL, to points in AZ, AR, CA, CO, FL, ID, LA, MS, MT, NV, OK, OR, NM, TN, TX, UT, WA, and WY. (Hearing site: Phoenix, AZ.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 143610.

MC 143910 (Sub-4F), filed May 10, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, NH 03108. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, and *materials, equipment, and supplies* used in the manufacture, sale, and distribution of foodstuffs, (except commodities in bulk), (A) between Salinas, Gilroy, San Francisco, Vacaville, and San Fernando, CA, on the one hand, and on the other, points in AL, GA, ID, IL, IN, IA, KS, LA, MS, MD, MI, MN, MO, NJ, NE, OK, OH, NY, OR, NC, SC, TN, TX, UT, VA, WI, and WA; (B) between Baltimore, MD, on the one hand, and, on the other, points in AL, GA, ID, IL, IN, IA, KS, LA, FL, MI, MN, MO, MS, OH, NC, SC, TN, TX, VA, and WI; (C) between South Bend and Bremen, IN, on the one hand, and, on the other, points in AZ, AR, CA, CO, CT, GA, ID, IL, IA, KS, KY, LA, MD, MI, MS, MA, MN, MO, MT, NE, MV, NJ, NM, NY, OH, OR, PA, TN, UT, WA, WV, WI, and WY; (D) from Atlanta, GA, to points in NJ, NY, PA, DE, VA, MD, and DC; and (E) between Baltimore, MD, on the one hand, and, on the other, points in VA, NJ, DE, NY, PA, MA, CT, ME, RI, NH, VT, and DC, under a continuing contract, or contracts, with McCormick & Co., Inc., of Baltimore, MD. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 143590.

MC 144038 (Sub-2F), filed June 8, 1978. Applicant: SOUTHWEST SUPPLY, INC., 350 Roanoke Street, Bluefield, WV 24701. Representative: Stephen P. Swisher, 339 12th Street, Dunbar, WV 25064. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, mining chemicals, and flotation reagents*, in packages, from the facilities of Southwest Supply, Inc., at Bluefield and Wheeling, WV, to coal mining preparation (cleaning) facilities at points in Bell, Harlan, Knox, Martin, Clay, Estill, Floyd, Leslie, Letcher, Perry, Pulaski, Whitley, and Pike Counties, KY, those in Athens, Coshocton, Guernsey, Harrison, Jefferson, Meigs, Monroe, Morgan, Perry, Vinton, and Belmont Counties, OH, those in Washington, Greene, Armstrong, Beaver, Butler, Cambria, Centre, Clarion, Clearfield, Fayette, Indiana, Jefferson, Lawrence, Mercer, Somerset, and Westmoreland Counties, PA, and those in Wise, Russell, Dickenson, Lee, Tazewell, and Buchanan Counties, VA, under a continuing contract, or contracts, with American Cyanamid Co., of Wayne, NJ. (Hearing site: Charleston, WV.)

Dual operations may be involved in these proceedings.

MC 144069 (Sub-3F), filed May 22, 1978. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete building members, materials required in the manufacture of prestressed concrete building members (except commodities in bulk), and equipment employed in the erection and transportation of prestressed concrete building members*, between the facilities of Concrete Panel Systems, Inc., at Charlotte, NC, on the one hand, and, on the other, points in AL, GA, KY, MD, SC, TN, VA, WV, and DC. (Hearing site: Charlotte, NC.)

MC 144110 (Sub-2F), filed May 26, 1978. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, MN 56378. Representative: Ronald B. Pitsenbarger, P.O. Box 396, Moorhead, MN 56560. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the facilities of the Cochin Pipeline Co., at or near Mankato and Benson, MN, to points in ND, SD, IA, and WI. (Hearing site: Minneapolis, MN.)

NOTE.—To the extent the certificate granted in this proceeding authorizes the transportation of liquefied petroleum gas it will expire 5 years from the date of issuance.

MC 144231 (Sub-2F), filed May 5, 1978. Applicant: LEANN, INC., Box 144, Southway Street SE., Massillon, OH 44646. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and such commodities* as are dealt in by manufacturers or distributors of meat-packing house products, between the facilities of Worthington Packing Co., Inc., Sugardale Foods, Inc., and Superior's Brand Meats, Inc., at or near Worthington, IN, Massillon, OH and Canton, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Washington, DC.)

MC 144298 (Sub-2F), filed June 5, 1978. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Avenue, Suite 203, Dearborn, MI 48126. Representative: William B.

Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the installation, distribution, and manufacture of doors and door systems, from points in the United States (except AK, HI, and MI), to Troy, MI, under a continuing contract, or contracts, with Stanley Door Systems, Division of the Stanley Works, of New Britain, CT. (Hearing site: Detroit, MI.)

MC 144449 (Sub-1F), filed May 19, 1978. Applicant: A & A MOVING & STORAGE, d.b.a., A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76101. Representative: Stephen B. Jurbala, 2355 Stemmons, Suite 1000, Dallas, TX 75207. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Retail store supplies and office supplies,* and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) above, (a) between the facilities of Pitney-Bowes, at Newton, Danbury, and Stamford, CT, and Linden and South Plainfield, NJ, (b) between the facilities of Pitney-Bowes, at Newton, CT and Cincinnati, Oh, and the facilities of Monarch Marking System, at Miamisburg, OH, and (c) between the facilities of Pitney-Bowes, at Newtown, Stamford, and Danbury, CT, and Chicago, IL, in (a), (b), and (c) above, under a continuing contract, or contracts, with Pitney-Bowes, of Stamford, CT. (Hearing site: Fort Worth or Dallas, TX.)

MC 144511 (Sub-2F), filed May 25, 1978. Applicant: ED O'GRADY, Rural Route 2, Falls City, NE 68355. Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer solution,* from points in Holt County, MO, to points in IA, KS, and NE, restricted to the transportation of shipments originating at the facilities of Quad-State Terminals, at Holt County, MO, and destined to the indicated destinations. (Hearing site: Lincoln, NE.)

MC 144592 (Sub-1F), filed June 2, 1978. Applicant: WAYDENS HEAVY HAULERS, INC., 251 5th Avenue, Hiawatha, IA 52233. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority granted to operated as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Material handling systems and storage silos,* from Washington, IA, to points in IL, MN, NE, ND, SD, and WI, under a continuing contract, or contracts, with Nott Company, of Minneapolis, MN. (Hearing site: Minneapolis, MN, Chicago, IL.)

MC 144622 (Sub-4F), filed May 24, 1978. Applicant: GLENN BROS. MEAT CO., INC., P.O. Box 9343, Little Rock, AR 72209. Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madison Boulevard, McLean, VA 22101. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Housewares, lawn and garden accessories, and display racks,* from the facilities of Rubbermaid Inc., at Wooster, OH, to points in AZ, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OR, SD, UT, WA, and WY. (Hearing site: Cleveland, OH.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 142954.

MC 144668 (Sub-1F), filed May 22, 1978. Applicant: G. & W. TRANSPORTATION, INC., P.O. Box 1769, Tupelo, MS 38801. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *carpet padding,* between Tupelo, MS, on the one hand, and, on the other, points in TN, AL, GA, FL, SC, NC, KY, IL, MO, AR, LA, TX, and OK, under a continuing contract, or contracts, with Olympic Products Co., Division of Cone Mills Corp., of Tupelo, MS, and General Felt Industries, Inc., of Saddle Brook, NJ; and (2) *corrugated boxes,* and *materials and supplies* used in the manufacture, sale, and distribution of corrugated boxes, between Tupelo, MS, on the one hand, and, on the other, points in TN, AL, GA, FL, SC, NC, KY, IL, MO, AR, LA, TX, and OK, under a continuing contract, or contracts, with General Packaging Specialties, Inc., and Great Southern Box Co., Inc., of Tupelo, MS. Conditions: (1) Applicant shall conduct separately its for-hire carriage and other business operations, (2) it shall maintain separate accounts and records for each operation, and (3) it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Memphis, TN, or Jackson, MS.)

MC 144690 (Sub-1F), filed May 19, 1978. Applicant: CHERRY-WINK, INC., 800 East 8th Street, Odessa, TX 79761. Representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rugs, carpets, floor covering,* and *materials and supplies* used in the installation and maintenance of the foregoing commodities, from Columbus, GA, and points in Bartow, Catoosa, Chattooga, Coweta, Dade, Floyd, Gilmer, Gordon, Harris, Heard, Meriwether, Murray, Pickens, Troup, Walker, and Whitfield Counties, GA, to points in TX north and west of a line beginning at the OK-TX State line and extending along U.S. Hwy 283 to junction U.S. Hwy 67, then along U.S. Hwy 67 to the international boundary line between the United States and the Republic of Mexico in TX. (Hearing site: Fort Worth, TX, or Dallas, TX.)

MC 144713 (Sub-1F), filed May 22, 1978. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of toilet preparations and cleaning compounds* (except in commodities in bulk), between Cockeysville, MD, and Holyoke, MA, on the one hand, and, on the other, points in the United States (except AK and HI) under a continuing contract, or contracts, with Noxell Corp., of Baltimore, MD. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission, that its operations, will not result in objectionable dual operations, because of its authority in MC-127579 and various subs.

MC 144741 (Sub 1F), filed May 25, 1978. Applicant: NETTLETON ENTERPRISE CO., INC., d.b.a., NORWOOD TRANSPORT, Route 1, Box 96, Elgin, IL 60120. Representative: Robert J. Gill, 29 South LaSalle Street, Chicago, IL 60603. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *industrial machinery, and construction equipment,* requiring the use of special equipment, (1) between points in IL, IN, IA, MI, and WI, and (2) between points in IL, IN, IA, MI and WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 144761F, filed May 12, 1978. Applicant: R. B. (PARKER) GOODLOE d.b.a. GOODLOE TRUCKING CO., 7919 Louisville Avenue, Lubbock, TX 79423. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *such commodities* as are dealt in or used by meat packing houses, in bulk in insulated tank vehicles, from Shreveport, LA, to points in TX. (Hearing site: Shreveport, LA, or Dallas, TX.)

MC 144766 (Sub-1F), filed June 6, 1978. Applicant: RUSSELL HINRICHS, and individual, R.R. #1, Petersburg, IL 62675. Authority granted to operate as a *contract carrier,* by

motor vehicle, over irregular routes, transporting: *cement*, in bulk, from the facilities of Universal Atlas Cement Co., at Hannibal, MO, to the facilities of Stroh Anderson, Inc., at Petersburg, IL, under a continuing contract, or contracts, with Stroh Anderson, Inc., of Petersburg, IL. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 144786(Sub-1F), filed June 5, 1978. Applicant: HARKER'S LIVESTOCK SUPPLY, INC., 2081 Sunset Road, Las Vegas, NV 89119. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transportating: *Soil amendments and shavings*, dry, in bulk, from the facilities of Kaibab Industries, Inc., at or near Fredonia, AZ, to points in NV and UT, under a continuing contract or contracts, with Kaibab Industries, of Phoenix, AZ. (Hearing site: Las Vegas or Reno, NV.)

MC 144805 (Sub-1F), filed June 7, 1978. Applicant: M-K TRUCKING, INC., 810 First Street South, Hopkins, MN 55343. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transportating: (1) *kitchen and bathroom cabinets*, from Fergus Falls, MN, and Jefferson, TX, to points in the United States, (except AK and HI): and (2) *materials, equipment and supplies* used in the manufacture of kitchen and bathroom cabinets, from points in the United States, (except AK and HI), to Fergus Falls, MN, and Jefferson, TX, a under continuing contract, or contracts, with Medallion Kitchens, Inc., of Hopkins, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 144820F, filed May 25, 1978. Applicant: LEO'S DELIVERY, INC., 8559 Mission Boulevard, Riverside, CA 92509. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household and industrial cleaning products, brushes, brooms, mops, toilet preparations, insect control products, germicides, air fresheners, fire extinguishers, fire alarms, and household accessories*, from Riverside, CA, to points in Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, CA, under a continuing contract, or contracts, with the Fuller Brush Co., of Great Bend, KS, restricted to the transportation of shipments having a prior or subsequent movement in interstate commerce. (Hearing site: Los Angeles, CA.)

MC 144826F, filed June 8, 1978. Applicant: COMET TRUCKING, INC., 6 Stuart Road, Chelmsford, MA 01824. Representative: Dominic J. DiSalvo (same address as applicant). Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *polymeric products, and materials, machinery, and supplies*, used in the manufacture of polymeric products (except commodities in bulk), between points in Middlesex County, MA, on the one hand, and, on the other, points in the United States (except MA and HI), under a continuing contract, or contracts, with Comet Products, Inc., of Chelmsford, MA. (Hearing site: Boston, MA.)

MC 144827F, filed May 30, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 10423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *freight and passenger elevators, and parts and attachments* for freight and passenger elevators (except commodities in bulk, and those requiring the use of special equipment), from the facilities of Dover Elevator Co., at or near Middleton, TN, and Horn Lake, MS, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of freight and passenger elevators (except commodities in bulk, and those requiring the use of special equipment), from points in the United States (except AK and HI), to the facilities of Dover Elevator Co., at or near Middleton, TN, and Horn Lake, MS. (Hearing site: Memphis, TN.)

MC 144832F, filed June 6, 1978. Applicant: GLENN-LEE TRUCKING CO., INC., P.O. Box 281, Springfield, GA 31329. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of the Valiant Steel & Equipment Co., in Chatham County, GA, to points in AL, FL, GA, NC, SC, and TN. (Hearing site: Savannah, GA.)

MC 144875F, filed June 9, 1978. Applicant: BARTON TRUCKING, INC., P.O. Box 788, Upton, WY 82730. Representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and lignite*, (1) from the facilities of American Colloid Co., in Butte County, SD, and Big Horn and Weston Counties, WY, to points in AL, AR, CA, FL, LA, MS, NM, OK, and TX, and (2) from the facilities of American Colloid Co., in Crook, County, WY, to points in AL, AZ, AR, CA, CO, FL, IA, KS, LA, MN, MS, MO, MT, NE, NM, ND, OK, SD, TX, and WI. (Hearing site: San Francisco, CA, or Denver, CO.)

MC 144876F, filed June 12, 1978. Applicant: J. & R. TRUCKING, INC., 300 Second Avenue NW., Montgomery, MN 56069. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *printed matter*, from Montgomery, MN, to points in the United States (except AK, HI, and MN), and (2) *materials, equipment, and supplies*, used in the production of printed matter, from points in the United States (except AK, HI, and MN), to Montgomery, MN, under a continuing contract, or contracts, with Franchise Mailing Systems, of Montgomery, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

[FR Doc. 78-18665 Filed 7-5-78; 8:45 am]

[1505-01]

[Volume No. 92]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-14535 appearing on page 22498 in the issue of Thursday, May 25, 1978, on page 22498 in the first column, the last paragraph, the last application number should read, "No. MC 115841 (Sub-No. 624F)" instead of "No. MC 115841 (Sub-No. 62F)".

Also on page 22498 in the middle column, the 1st application number should read, "No. MC 117786 (Sub-No. 12F)" instead of "No. MC 17786 (Sub-No. 12F)".

In addition on page 22498, in the 3rd column, the last paragraph, the last application number should read, "No. MC 119726 (Sub-No. 120F)" instead of "No. MC 119716 (Sub-No. 120F)".

[7035-01]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-15246 appearing on page 23831 in the issue of Thursday, June 1, 1978, on page 23837 in the 1st column, the 2nd full paragraph, the 1st line should read, "No. MC 136605 (Sub-No. 48F), filled * * *".

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

[M-146; June 30, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., July 7, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Draft notice of proposed rulemaking to permit air taxi operators and commuter air carriers to operate Special Regulation charters (Memo No. 8027, BPDA, BOE, OCA, OGC, BIA, OEA).
3. Docket 30922, Petition of American Society of Travel Agents for reconsideration of Board action permitting charter operations by the Friendship Force (Memo No. 7498-B, BPDA, OGC).
4. Docket 31298, Application and motion for show cause order of Sky West Aviation, Inc., seeking Salt Lake City-Cedar City/St. George-Page/Las Vegas subsidy eligible authority (Memo No. 8033, BPDA, OGC).
5. Docket 31185, Reno-Spokane show-cause proceeding (Memo No. 7329-B, BPDA).
6. Policy statement on reductions in certificated service (Memo No. 8036, BPDA, OGC).
7. Docket 31683, Application of Continental Air Lines, Inc. for approval under section 408 of the act of aircraft purchases (Memo No. 8034, BPDA).
8. Docket 32898, United proposes, effective July 27, to extend availability of Super Coach fares to six additional markets. It alleges the new fares essentially meet fares offered by other carriers. Allegheny alleges that they are anticompetitive and can only be viewed as "disciplinary" pricing (BPDA).
9. Increased excess baggage charge proposed by Northwest and TWA, effective July 27 and 31 (BPDA).
10. Docket 32951, Application of McCulloch International Airlines for a grandfather section 418 certificate (Memo No. 8032, BPDA).
11. Waiver for United States-United Kingdom charters pursuant to charter amendments to Bermuda II (Memo No. 8028, BIA, OGC, BPDA).
12. Docket 32610, Belize Airways Ltd. application for amendment of foreign air carrier permit to serve additional U.S. terminals per Bermuda II (Memo No. 7207-B, BIA, OGC).
13. Dockets 25022, 19570, 19745, Martin's Luchtvervoer Maatschappij N.V. (Martin's Air Charter Co.). Petition for Reconsideration by Martinair Holland N.V. to delete condition from Order 78-3-30 (Memo No. 334-G, BIA, OGC).
14. Docket 30790, United States-Benelux Low-Fare Proceeding (BIA).
15. Dockets 28213, 28955, 29373, 29431, 29512, 29618, 29984; Yusen Air and Sea Service Co., Ltd. (JAPAN) d.b.a. Yusen Air & Sea Service (U.S.A.), Inc. (Yusen); Kinki Nippon Tourist Co., Ltd., (Japan) d.b.a. Kintetsu World Express, Inc. (U.S.A.); Nissin Transportation & Warehousing Co., Ltd. (Japan) d.b.a. Nissin International Transport, U.S.A., Inc; Nippon Express Co., Ltd. (Japan) d.b.a. Nippon Express U.S.A., Inc; Mitsui Air & Sea Service Co., Ltd. (Japan) d.b.a. Mitsuiline Travel Service of America, Inc. (U.S.A.): Nishi Nippon Railroad Co., Ltd. (Japan) d.b.a. NNR Aircargo Service U.S.A.) Inc. (Memo No. 6758-B, OGC, BPDA, BIA).
16. Docket 30055, Phoenix-Las Vegas-Reno Competitive Nonstop Service Investigation—Order on discretionary review (Memo No. 6403-F, OGC).
17. Docket 30182, Iowa/Illinois-Atlanta Route Proceeding—Order on discretionary review (Memo No. 6950-B, OGC).
18. Docket 32665, California/Southwest-Western Mexico Route Proceeding—Petitions for reconsideration and motions to consolidate (Memo No. 7942-A, OGC).
19. Docket 28807, Trans International Airlines Enforcement Proceeding. This case concerns request by Bureau of Enforcement that Board reconsider its earlier findings on the lawfullness of respondent's denial of liability for lost or damaged baggage under section 403 of the act (Memo No. 7339-C, OGC).
20. Dockets 21866, 31290, and 30891, Domestic Passenger-Fare Investigation; Domestic Passenger-Fare Level Policies; Domestic Passenger-Fare Structure Policies (instructions) (OGC).

STATUS: Open

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-1394-78 Filed 7-3-78; 3:43 pm]

[6570-06]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Wednesday, July 5, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public and parts will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public:

1. Any matters not discussed or concluded at the meeting of June 30, 1978, may be carried over to this meeting.
2. Report on Intake Supervisors' Workshop.
3. Report on Commission Operations by the Executive Director.

Closed to the public:

1. Any matters not discussed or concluded at the meeting of June 30, 1978, may be carried over to this meeting.
2. Litigation Authorization; General Counsel Recommendations; Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Geraldine M. Horton, Acting Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued June 28, 1978.

[S-1388-78 Filed 7-3-78; 8:51 am]

[6730-01]

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: July 10, 1978, 2 p.m.

PLACE: Room 12126, 1100 L Street NW., Washington, DC 20573.

STATUS: Part of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Monthly report of actions taken by the Managing Director pursuant to delegated authority during May, 1978.
2. Agreement No. 9989-6: Petition for reconsideration of Notice of Intent to Disapprove the continuance of the North Atlantic Discussion Agreement.

3. Agreement No. 17-38: Modification of the Far East Conference to provide for associate membership.
4. Petition for Declaratory Order: *Stockton Port District* v. *I. Charles Licidi, et al.*
5. Docket No. 77-41: *Houston Gulf Crane, Inc., et al.* v. *Port of Houston Authority of Harris County, Tex.*—Review of dismissal of proceeding.
6. Docket No. 77-45: *Hawaii Meat Company, Ltd.* v. *Matson Navigation Co.*—Determination on whether to hear oral argument and review of the record.
7. Special Docket No. 546: *United Grocery Export Co.* v. *Pacific Westbound Conference*—Review of initial decision.
8. Special Docket No. 568: *Westinghouse Trading Co., division of Westinghouse Electric Corp.* v. *American Export Lines, Inc.*—Review of initial decision.
9. Special Docket No. 570: *Deutsche Schachtbau-Und Tiefbohrgesellschaft MBH* v. *Lykes Bros. Steamship Co., Inc.*—Review of initial decision.
10. Informal Docket No. 439(I): *Mine Safety Appliances Co.* v. *South African Marine Corp.*—Review of Settlement Officer's decision.
11. Docket No. 77-61: *Mitsui & Co. (U.S.A.), Inc.* v. *Sea-Land Service, Inc. and Nippon Yusen Kaisha (NYK Line)*—Determination on whether to hear oral argument and review of the record.
12. Docket No. 75-15: *The Carborundum Co.* v. *Royal Netherlands Steamship Co. (Antilles) N.V.*—Review of complainant's petition for reconsideration.
13. Docket No. 77-53: Independent Ocean Freight Forwarder Bond Requirements: Increase in amount and other modifications—Review of the record.

Portion closed to the public:

1. Docket No. 74-45: Agreement No. 8005-7—Between members of the New York Terminal Conference—Review of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary 202-523-5725.

[S-1393-78 Filed 7-3-78; 3:31 pm]

[7030-01]

4

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., July 12, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

Docket 13-E, *James Strong, et al.*
Docket 18-S, *Minnesota Chippewa.*
Dockets 27-B and 338, *Delaware.*
Docket 74, *Sioux.*
Docket 295-A, *Mojave.*
Docket 332-C, *Yankton Sioux.*
Docket 363 (2d Claim), *Lower Sioux.*

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-1392-78 Filed 7-3-78; 3:31 pm]

[6820-35]

5

LEGAL SERVICES CORPORATION: Meeting of the Board of Directors.

TIME AND DATE: 9:30 a.m., Thursday, July 6, and Friday, July 7, 1978.

PLACE: Ravensworth Hall, Arlington Hyatt House, 1325 Wilson Boulevard, Arlington, Va.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of agenda.
2. Approval of minutes of May 5-6, 1978 meeting.
3. Reports by committees: (a) Commitee on Regulations—Recommendations for final publication of:
   Part 1606: Procedures Governing Termination of Financial Assistance and Denial of Refunding;
   Part 1607: Governing Bodies of Recipients;
   Part 1608: Prohibited Political Activities;
   Part 1611: Eligibility;
   Part 1612: Restrictions on Certain Activities;
   Part 1613: Restrictions on Legal Assistance in Criminal Proceedings; and
   Part 1614: Restrictions on Representation of Juveniles.
   Recommendations for publication for comment of:
   Part 1602: Procedures for Disclosure or Production of Information under the FOIA;
   Part 1609: Fee-Generating Cases; and
   Part 1620: Priorities in Allocation of Resources.
   b. Committee on Appropriations and Audit:
   Fiscal year 1978 budget adjustments and
   Fiscal year 1979 budget adjustments.
   c. Committee on Provision of Legal Services:
   Consideration of report on an evaluation of the Reginald Hever Smith Community Lawyer Fellowship Program, prepared by James Robertson;
   Preliminary consideration of the Legal Services Institute, proposed by Gary Bellow and others;
   Progress reports on the study required by section 1007(h) of the Legal Services Corporation Act; and
   Status report on the Quality Improvement Project.
4. Reports by the President:
   a. Next steps for the Legal Services Corporation planning efforts and
   b. Policies and procedures concerning selection of Grantees in areas not served.
5. Selection of Chairperson of the Board.
6. Other business: (a) Future meeting dates.

CONTACT PERSON FOR MORE INFORMATION:

Dellanor Young, Office of the President, telephone 202-376-5100.

Issued: June 30, 1978.

THOMAS EHRLICH,
President.

[S-1389-78 Filed 7-3-78; 8:51 am]

[6820-35]

6

LEGAL SERVICES CORPORATION: Committee on Regulations.

TIME AND DATE: 7:30 p.m., Wednesday, July 5, 1978.

PLACE: Ravensworth Hall, Arlington Hyatt House, 1325 Wilson Boulevard, Arlington, Va.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Recommendation for final publication of:
   a. Part 1606: Procedures Governing Termination of Financial Assistance and Denial of Refunding;
   b. Part 1607: Governing Bodies of Recipients; and
   c. Part 1611: Eligibility.
2. Recommendations for publication for comment:
   a. Part 1620: Priorities in Allocation of Resources.

CONTACT PERSON FOR MORE INFORMATION:

Dellanor Young, Office of the President, telephone 202-376-5100.

Issued: June 30, 1978.

THOMAS EHRLICH,
President.

[S-1390-78 Filed 7-3-78; 8:51 am]

[4110-39]

7

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

DATE AND TIME: July 14, 1978, 9 a.m. to 3 p.m.

PLACE: Room 823, National Institute of Education, 1200 19th Street, NW., Washington, D.C.

STATUS: Certification has been received from the HEW Office of General Counsel, that in the opinion of that office, the NCER "would be authorized to close protions of its meeting on July 14, 1978, under 5 U.S.C. 552b(c)(9)(B) and 45 CFR 1440.2(a)(9) for the purposes of reviewing and discussing with the Director of NIE, the proposed Executive Branch budget for fiscal 1980. In particular, the sections dealing with the proposed budget and funding priorities of NIE." Agenda item No. 3 will be closed, the rest of the agenda remains open to the public.

MATTERS TO BE CONSIDERED:

1. Approval of May 19, 1978 Minutes (9 a.m. to 9:05 a.m.).

2. Director's report (9:05 a.m. to 9:45 a.m.).
3. Plans for fiscal year 1980 program and budget—Closed (9:45 a.m. to 12:15 p.m.).
4. Discussion and approval of plans for NCER Committee work during the coming year; and approval of meeting schedule through July 1979 (1:30 p.m. to 3 p.m.).

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Ella L. Jones, Administrative Coordinator, telephone 202-254-7900.

PETER H. GERBER,
Chief, National Council on Educational Research Staff.

[S-1391-78 Filed 7-3-78; 11:32 am]

8

[7590-01]

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: July 7, 1978.

PLACE: Commissioners' Conference Room, 1717 11th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Friday, July 7, 11 a.m., Discussion of testimony for Udall hearings on mill tailings legislation and Culver hearings on international reach of NEPA (Approximately 1 hour) (public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

JUNE 30, 1978.

[S-1398-78 Filed 7-5-78; 10:12 am]

federal register

THURSDAY, JULY 6, 1978
PART II

CIVIL AERONAUTICS BOARD

■

IMPROVING GOVERNMENT REGULATIONS

Reports from Independent Regulatory Agencies

PREVIOUSLY PUBLISHED DOCUMENTS

Listed below are other documents on improving Government regulations previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
ACTION	May 24	22325
Administrative Committee of the Federal Register	May 22	21995
Agency for International Development	June 2	24218
Agriculture Department	May 22, June 16	21986, 26091
American Battle Monuments Commission	May 25	22602
Civil Service Commission	May 23	22157
Commerce Department	May 30	23170
Committee for Purchase From the Blind and Other Severely Handicapped	June 23	27229
Community Services Administration	May 25	22595
Defense Department	May 22	21994
Energy Department	May 1, June 2	18634, 24215
Environmental Protection Agency	May 31	23679
Environmental Quality Council	May 25	22593
Equal Employment Opportunity Commission	May 25	22610
Farm Credit Administration	May 22	21984
Federal Mediation and Conciliation Service	May 22	21993
General Services Administration	May 25	22612
Health, Education, and Welfare Department	May 30	23119
Housing and Urban Development Department	May 25	22598
Interior Department	May 25	22573
Interstate Commerce Commission	June 26	27729
Justice Department	May 26	22922
Labor Department	May 26	22915
Management and Budget Office	May 22, June 2	21997, 24219
National Aeronautics and Space Administration	May 22	21981
National Capital Planning Commission	May 15	20945
National Credit Union Administration	May 31	23688
National Foundation on the Arts and the Humanities	May 25	22591
National Science Foundation	June 2	24216
Pennsylvania Avenue Development Corporation	June 2	24213
Pension Benefit Guaranty Corporation	May 25	22608
Postal Rate Commission	July 5	29045
Postal Service	May 25	22587
Railroad Retirement Board	May 25	22603
Renegotiation Board	May 30	23197
Selective Service System	April 11	15211
Small Business Administration	May 25	22605
State Department	May 25	22589
Tennessee Valley Authority	June 15	25951
Transportation Department	June 1	23925
Treasury Department	May 24	22319
Veterans Administration	May 22	21983
Water Resources Council	May 30	23199

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 32934; Dated: June 29, 1978]

IMPROVING GROVERNMENT REGULATIONS

Request for Public Comments

AGENCY: Civil Aeronautics Board.

ACTION: Request for public comments.

SUMMARY: The Civil Aeronautics Board invites comments on its proposed plans for voluntarily implementing Executive Order 12044: Improving Government Regulations.

DATES: Comments by September 4, 1978.

ADDRESSES: Twenty copies of comments should be sent to Docket 32934, 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 as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, Washington, D.C. 20428, 202-673-5442.

I. BACKGROUND

On March 23, 1978. the President signed Executive Order 12044; Improving Government Regulations. The Order directs Executive agencies to adopt procedures to improve their regulations by insuring that they: (1) Are as simple and clear as possible; (2) will achieve legislative goals effectively; and (3) will not impose unnecessary burdens.

The major point of the Order is that agencies should clearly establish the need for and purposes of their regulations and should choose among realistic alternatives. Furthermore, if the regulation may have major economic consequences, the Order directs agencies to perform a "regulatory analysis." This analysis is to include a careful examination of the economic consequences of alternative approaches and a thorough explanation of the reason for selecting one over the others.

Although the Order does not apply to regulations issued by independent regulatory agencies like the Civil Aeronautics Board, we are in full agreement with its policy goals, and we will comply voluntarily. Because we already follow most of the Order's principles, we will not need to make major changes in all our rulemaking procedures. For example, a year ago we began to place special emphasis on clarity in all of our documents, and we feel that these efforts have made them more readable.

The Board's statutory function is the economic regulation of air transportation; with economics at the heart of every Board action, the kind of analysis intended by the Order has been our normal practice. We placed even greater emphasis on these economic considerations last year by creating the Office of Economic Analysis (OEA). Our proposed procedural changes will make the rulemaking aspect of OEA's work formal.

A particular rulemaking may involve either a new regulation or an amendment of an existing one. An amendment to an existing regulation can often be of equal or even greater importance than a new one. Therefore, this notice uses the term "regulation" broadly, to include both types of rulemaking. We think there is a substantial difference, however, between rulemakings that impose new requirements and ones that relax existing requirements. The bulk of the Board's recent rulemaking activity, in fact, has been of the latter type. When it is clear on the face of a proposed rule that it will reduce the burden of Federal regulation, strict adherence to the new procedures could run directly counter to the purposes of the Order. "Regulatory analyses," therefore, would not necessarily be performed for proposals designed to deregulate an aspect of air transportation.

This notice invites public comment on a proposal to revise the Board's rulemaking procedures and to establish criteria both for identifying significant regulations and for determining when a regulatory analysis is necessary.

II. CURRENT PROCEDURES FOR DEVELOPING REGULATIONS

The Board issues its regulations under the authority of the Federal Aviation Act of 1958, as amended.[1] This procedure is also governed by the Administrative Procedure Act.[2] Board regulations are codified in Title 14 of the Code of Federal Regulations, in Parts 200 through 399. Parts 200 through 299 make up Subchapter A—Economic Regulations. Procedural regulations are found in Subchapter B, Parts 300 through 312. The Special Regulations of Subchapter D[3] (Parts 370 to 379) include, among others, those governing the sale of charter transportation by indirect air carriers. The Organization Regulations of Subchapter E (Parts 384 to 389) include delegations of authority to staff members and other matters related to the general operations of the Board. Subchapter F (Part 399) contains the Board's Policy Statements.

[1] 49 U.S.C. 1301 *et seq.*

[2] 5 U.S.C. 551 *et seq.*

[3] There is no subchapter C.

With certain exceptions specified in the Administrative Procedure Act, a regulation is published in the form of a proposal ("notice of proposed rulemaking" or "NPRM") in the FEDERAL REGISTER so that the public may comment. The decision to propose a regulation usually means that the Board has tentatively decided to take the action contemplated (or one of the alternative actions), unless the comments persuade it to do otherwise. In many cases, where the advisable course of action is less clear, the Board will first publish an advance notice of proposed rulemaking (ANPRM), setting out in more general terms the need for regulation in a particular area, or asking whether a need in fact exists, and discussing some of the Board's options. The public comments on an advance notice help the Board decide whether to go forward with a proposal and, if so, how to formulate it.

After evaluating the comments on a proposal, the Board may decide to do any of the following: (1) Adopt the regulation exactly as it was proposed; (2) adopt it with changes based on the comments; (3) purpose it anew, if the desired changes are substantial; (4) consolidate the proposal into another proceeding; or (5) end the rulemaking proceeding, if the regulation no longer appears desirable.

Either the Board or an outside party may initiate a rulemaking proceeding. Most begin with outside, or "third-party" petitions. The party files the petition and the docket section places it in a public docket. Initial responsibility for handling it is assigned within a few days, either the Office of the General Counsel (OGC), or to another office or bureau[4] in the agency. Any person outside the Board may file an answer, normally within 30 days. The internal process follows a schedule designed to enable the Board to announce its disposition of the petition within 120 days after the due-date for public answers. The various offices promptly send their views on the suggested rule to the office with initial responsibility. That office then prepares a Memorandum for Board Action (MBA), on the basis of the views received and its own views. The drafting is done in collaboration with persons designated by the heads of the interested offices. The MBA may contain a

[4] The organizational distinctions between an office and a bureau are not significant in the context of the informal rulemaking proceedings that are the subject of this notice. Accordingly, the generic term, "office", will be used from here on to refer both to offices (such as the Offices of the General Counsel, Economic Analysis, or the Managing Director) and to bureaus (such as the Bureaus of Pricing and Domestic Aviation, International Aviation, Accounts and Statistics, or Enforcement).

request for instructions from the Board, or a recommended draft disposition of the petition. That disposition typically involves either the issuance of a notice or advance notice of proposed rulemaking, or an order denying the petition; it might, however, constitute a deferral, consolidation, or some other action.

The procedure for Board-initiated rulemaking is somewhat different. The Board may begin the process by directing that a proposal be developed or the need for one be examined. As with third-party petitions, the initial responsibility for preparing the proposal may be with either OGC or another office: any office may begin the process. Whichever office has initial responsibility prepares an MBA in collaboration with staff from other offices. The remainder of the process is similar to the one for third-party initiated rulemaking, except that the schedule may vary.

If the MBA recommends the issuance of a notice or advance notice, it outlines the purpose of the proposal, describes the operation of the proposed rule, and points out any special aspects or problems that appear worthy of mention. The preamble ("Supplementary Information" section) of the draft notice or advance notice that is attached to the MBA describes the purposes and substance of the proposal.

The office preparing a Memorandum for Board Action ordinarily obtains the concurrence of all interested offices before it actually submits the MBA to the Board. If the preparing office is unable to obtain concurrence, it advises the Board of the differences of opinion either by revising the MBA to discuss them or by attaching memoranda from the non-concurring office or offices. Less frequently, it informs the Board of the differences of opinion and simultaneously sends copies to the other interested offices, which may in turn send their views directly to the Board.

With rare exceptions, staff recommendations to issue notices or advance notices of proposed rulemaking are discussed by the Board in its meetings that are open to the public under the Sunshine Act. At this stage, the Board's options include: issuing the notice as recommended, disapproving it, or directing the staff to revise and resubmit it.

On the basis of the staff recommendations in the MBA, the exposition in the text of the accompanying draft notice, and the discussion at the public meeting, the Board evaluates whether the proposal is needed and whether it is the best approach to solving the problem that prompted its development. In fact, with the possible exception of making sure that there is a plan for evaluating the regulation after its final adoption, the Board routinely (although implicity in many cases) makes the determinations required for significant proposals by the Order. The degree of detail and explictness in the discussion of these factors varies depending upon significance of the action proposed.

When a proposal is published in the FEDERAL REGISTER for public comment, the Board takes several steps to promote public participation. Reply comment periods are a special feature of our rulemaking procedures. When it appears that a second round of comments may be particularly useful in response not only to the Board's proposal but also to the others first-round comments, a period of time is provided for these. While the FEDERAL REGISTER gives official notice of agency action and receives wide circulation (directly, and through republication in the press, especially the trade press), there are many persons whom it still does not reach. We recognize the fact that an opportunity for public comment is useful only to the extent that interested members of the public are aware of it. Consequently we distribute copies of proposals to people and organizations on our extensive mailing lists and press releases describing the proposals to more than 1,000 members of the news media.

III. CHANGES IN THE PROCEDURES FOR DEVELOPING REGULATIONS

To comply more fully with the Executive Order the Board plans the following changes in its procedures for developing regulations:

Identifying significant proposed regulations: As early as possible in the development of a proposed regulation, the office with initial responsibility will determine whether it is "significant." Criteria for making this decision are set out later in this notice. The determination will be made as soon as the office tentatively decides to go forward with a recommendation that the Board issue a notice of proposed rulemaking. In the case of a third-party petition for rulemaking, this recommendation would ordinarily be made shortly after receipt of other offices' views on the petition and answers.

If the proposal is found to be not significant: That fact will be noted in the draft NPRM. The Board will thus have an opportunity to review the finding. For proposed regulations that are issued under delegated authority, no finding need be made. It is implicit in the Order that significant proposals should not be issued under delegated authority. The delegation itself may be considered an advance finding by the Board that any propsal issued under it is not "significant."

If the proposal is found to be significant:

(1) The office with initial responsibility will notify the Office of the Managing Director (OMD) of this finding so that the proposal can be placed on the agenda of significant regulations under development or review, and provide OMD with the information needed for the agenda. This information will include a brief description of the proposal and the need and legal basis for it. It will also include the name and telephone number of a knowledgeable Board official. The agenda will be published at least twice each year.

(2) The office with initial responsibility will notify the Board through a For Information Memorandum of its plans to develop a recommendation that the Board issue an NPRM. This memorandum will briefly inform the Board of the issues and alternative approaches that the staff expects to consider so that the Board can exercise early oversight of the development process. The memorandum need not be sent if the regulation has already been the subject of an ANPRM, or if the draft NPRM is being prepared at the Board's direction.

(3) The office with initial responsibility will provide enough discussion in the MBA or the preamble of the attached NPRM to enable the Board to find that: (a) the proposed regulation is needed; (b) the direct and indirect effects have been adequately considered; (c) alternative approaches have been considered and the least burdensome, most effective one has been chosen; (d) public answers to the petition and comments on the previous ANPRM, if any, have been considered and an adequate response has been prepared; (e) the NPRM is written in plain English and is understandable to those who must comply with it; (f) an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance; (g) the name, address and telephone number of a knowledgeable agency official is included in the NPRM; and (h) there is a plan for evaluating the regulation after its final adoption.

The office most directly concerned with the substance of the rulemaking will provide any additional background information which may be necessary to assist the office having initial responsibility in meeting this requirement. These two offices are not necessarily the same.

(4) The office with initial responsibility will transmit its finding of significance to the office most directly concerned with the substance of the rulemaking, so that the proposal can be evaluated to determine whether a regulatory analysis will be performed.

(5) When the NPRM is issued, the Minutes Section of the Office of the Secretary will make sure that at least 60 days are allowed for public com-

ments, unless the notice includes a statement that a shorter period is advisable and that the public benefits from expedited consideration outweigh any adverse effects of the shorter comment period.

The decision whether to perform a regulatory analysis will be made in the first instance by the office that is most directly concerned with the substance of the regulation. Criteria for making this decision are set out later in this notice. The Office of Economic Analysis will have an early opportunity to review the decision. This approach will combine the benefits of the concerned office's familiarity with the particular subject matter and OEA's expertise in regulatory analysis. The Board may also direct that a regulatory analysis be performed on any proposal regardless of whether the criteria are satisfied.

If a regulatory analysis is to be performed, the director of OEA will assign a staff member to help the concerned office with quantitative analysis. At the same time, the concerned office prepares a draft regulatory analysis while the office with initial responsibility prepares the draft NPRM. These two documents will be sent to the Board with the same MBA. The NPRM will briefly describe the alternatives considered in the draft regulatory analysis. The analysis will either be published as an appendix to the NPRM or be placed in the docket for the rulemaking proceeding. In the latter case, the NPRM will tell the public how to obtain a copy. A final regulatory analysis will be completed and made available to the public if the final regulation is published.

Regulatory analyses will contain: (1) A succinct statement of the problem; (2) A description of the major alternative ways of dealing with the problem that were considered; (3) An analysis of the economic consequences of each of these alternatives: and (4) A detailed explanation of the reasons for choosing one over the others.

Public Participation: The Board is already considering the possibility of giving financial assistance to eligible applicants who (1) can be expected to contribute substantially to a full and fair resolution of the issues presented in a proceeding, and (2) could not afford to participate effectively without compensation. An NPRM on this subject was issued on March 16, 1978.[5] As proposed, the compensation program would not be limited to rulemaking proceedings. The Board is also expanding its mailing lists to ensure wider dissemination of information about all its proceedings, particularly to consumer groups and other representatives of broad segments of the public.

Sunset: The new procedures contemplated in this notice will expire June 30, 1980, unless extended. This "sunset" provision will ensure that the procedures do not become permanent without an evaluation of their effectiveness.

Modifications: The procedures described here will ordinarily be followed when regulations are developed. The Board, may, in its discretion, modify the procedures in particular instances. The failure to follow this format in whole or in part will not affect the validity or enforceability of the rule or be a ground for reconsideration or judicial review.

Exclusions: These procedures will not apply to: (1) regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557); (2) regulations issued with respect to a military or foreign affairs function of the United States; (3) matters related to Board management or personnel, such as delegations of authority; (4) regulations that are issued in response to an emergency or that are governed by short-term statutory or judicial deadlines. In these cases, the Board will publish in the FEDERAL REGISTER a statement of the reasons why it is impracticable or contrary to the public interest to follow the procedures.

Effective date: These procedures will become effective when they are finally adopted by the Board. They will not apply to regulations whose development is ready in progress at that time.

IV. PROPOSED CRITERIA FOR IDENTIFYING SIGNIFICANT REGULATIONS

A proposed regulation would be considered significant if it satisfied any of the following criteria:

(1) It relates to a matter of significant concern to the President, Congress, or the public (especially if it is likely to generate much public comment);

(2) It appears likely to have a substantial effect on price, quality of service, or competition in the field of air transportation;

(3) It appears likely to have a substantial effect on a particular class of users or suppliers of air transportation;

(4) It appears likely to impose heavy compliance or reporting burdens;

(5) It involves important Board policy that will require substantial resources to develop or enforce; or

(6) It appears likely to have a substantial effect on the programs or requirements of other agencies.

Some recent proposals that would be considered significant under these criteria are proposals to reduce the length of allowable charter flight delays,[6] to allow split all-cargo and passenger-cargo charters,[7] and to establish expedited procedures for licensing and rate cases.[8] Some examples of proposals that would be excluded are: most procedural rules, routine amendments that update the accounting regulations (14 CFR Part 241), technical corrections, and editorial amendments.

V. PROPOSED CRITERIA FOR DETERMINING WHETHER A REGULATORY ANALYSIS WILL BE PERFORMED

A regulatory analysis would be performed for any proposed regulation that would result in:

(1) An annual effect on the economy of $100 million or more; or

(2) A major increase in costs or prices for individual industries, levels of government, or geographic regions.

A regulatory analysis would be performed for any other proposed regulation that the Board, in its discretion, found important or burdensome enough to warrant it.

Under these criteria, a regulatory analysis might be performed for new rulemaking to revise significantly the ratemaking standards that would have a (potential) economic cost on air travelers of $100 million or more. A regulatory analysis probably would not be performed, on the other hand, for proposals to relax charter prospectus filing requirements or to prohibit specific types of deceptive advertising.

VI. REVIEW OF EXISTING REGULATIONS

The Board is continually reviewing its existing regulations to ensure that they still serve their original purposes. It has just completed an extensive reexamination of the rules governing overbooking and bumping of passengers, and revised them accordingly.[9] The following areas are also being reviewed:

(1) Smoking on airplanes (14 CFR Part 252) (For further information contact: Richard B. Dyson, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442);

(2) The patchwork of redundant, and sometimes inconsistent, regulations for the protection of charter participants' funds, with a view towards establishing a simpler, uniform set of requirements (Parts 371, 372a, 373, 378, 378a, and others) (Contact: Richard B. Dyson, Office of General Counsel, 202-673-5442);

(3) The conditions under which charter flights may be sold by indirect air carriers, with a view towards liber-

[5] PDR-50 (43 FR 14045, April 4, 1978) (Docket 29880).

[6] EDR-343, December 22, 1977 (42 FR 64905, December 29, 1977).

[7] EDR-351, March 30, 1978 (43 FR 14519, April 6, 1977).

[8] EDR-54, April 18, 1978 (43 fr 19403, May 5, 1978).

[9] ER-1050, May 30, 1978 (43 FR 24277, June 5, 1978).

alizing them (the same CFR Parts as in No. 2 above) (Contact: Richard B. Dyson, Office of General Counsel, 202-673-5442);

(4) The largely duplicative rules governing the performance of charter flights by different types of direct air carriers (Parts 207, 208, 212, and 214) (Contact: Mark Schwimmer, Office of General Counsel, 202-673-5442);

(5) The entire body of pricing standards developed in the Domestic Passenger Fare Investigation (Part 399, Subpart C) (Contact: Norman D. Schwartz, Assistant Director, Bureau of Pricing and Domestic Aviation, 202-673-5056).

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-18647 Filed 6-30-78; 3:23 pm]

federal register

THURSDAY, JULY 6, 1978
PART III

FEDERAL RESERVE SYSTEM

COMPTROLLER OF THE CURRENCY

FEDERAL DEPOSIT INSURANCE CORPORATION

FEDERAL HOME LOAN BANK BOARD

NATIONAL CREDIT UNION ADMINISTRATION

■

Equal Credit Opportunity

Joint Notice of Proposed Enforcement Guidelines

[6210-01]

FEDERAL RESERVE SYSTEM

COMPTROLLER OF THE CURRENCY

FEDERAL DEPOSIT INSURANCE CORPORATION

FEDERAL HOME LOAN BANK BOARD

NATIONAL CREDIT UNION ADMINISTRATION

[Reg. B]

EQUAL CREDIT OPPORTUNITY

Joint Notice of Proposed Enforcement Guidelines

AGENCIES: The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration.

ACTION: Proposed uniform guidelines for administrative enforcement of Regulation B, Equal Credit Opportunity, and the Fair Housing Act.

SUMMARY: This document sets forth the guidelines which the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the National Credit Union Administration propose to follow in order to correct the conditions resulting from violations of Regulation B or the Fair Housing Act. The agencies believe that the adoption of guidelines will promote uniform enforcement of the Equal Credit Opportunity Act and Fair Housing Act.

DATES: Comments must be received on or before September 5, 1978.

ADDRESSES: Written comments should be addressed to: Equal Credit Opportunity Guidelines, Room B—4107, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

William Resnik, Comptroller of the Currency, 202-447-1600; Anne Geary, Federal Reserve Board, 202-452-2761; Karl Seif, Federal Deposit Insurance Corporation, 202-389-4422; Frank Passarelli, Federal Home Loan Board, 202-377-6525; Edward Dobranski, National Credit Union Administration, 202-632-4870.

SUPPLEMENTARY INFORMATION: This document sets forth the guidelines the Federal financial regulatory agencies propose to follow when violations of the Equal Credit Opportunity Act or Fair Housing Act are discovered in the course of examinations or through investigation of complaints. The agencies believe that coordination among the agencies will promote uniform enforcement of the law.

The guidelines indicate what corrective action creditors will be required to take when substantive violations are discovered. It should be noted that creditors will be required to correct all violations, including such matters as an error on an application form.

The guidelines will neither preclude the use of any other administrative authority that any of the agencies possess to enforce these laws, nor limit the agencies' discretion to take other action to correct conditions resulting from violations of these laws. The agencies retain discretion to consider the suitability of the prescribed remedy under the circumstances of each case.

The guidelines will not preclude the enforcing agencies from referring to the Attorney General cases involving a pattern or practice of discrimination nor will the guidelines foreclosure a customer's right to bring a civil action under the Equal Credit Opportunity or Fair Housing Acts.

To aid the agencies in consideration of this matter, interested persons are invited to submit relevant comments or data. Any such material should be submitted in writing to:

Equal Credit Opportunity Guidelines, Room B-4107, Washington, D.C. 20551.

The comments will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information (12 CFR Part 261.6(a)).

AUTHORITY

These guidelines are proposed pursuant to the enforcing agencies' authority under the Equal Credit Opportunity Act (ECOA) (15 U.S.C. 1691, *et seq.*) and under section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) for the Board of Governors of the Federal Reserve System, the Comptroller of the Currency and the Federal Deposit Insurance Corporation; the Home Owners Loan Act of 1933 (12 U.S.C. 1464(d)) and the National Housing Act (12 U.S.C. 1730) for the Federal Home Loan Bank Board; and the Federal Credit Union Act (12 U.S.C. 1786(e)(1)) for the National Credit Union Administration.

DRAFTING INFORMATION

The principal drafters of this document were Roberta Boylan, Comptroller of the Currency; Karl Seif, Federal Deposit Insurance Corporation; Anne Geary, Federal Reserve Board; James Kristufek, Federal Home Loan Bank Board and Edward Dobranski, National Credit Union Administration.

PROPOSED STATEMENT

In consideration of the foregoing, the agencies propose the following guidelines:

STATEMENT OF ENFORCEMENT POLICY

DEFINITIONS

1. "Act" means the Equal Credit Opportunity Act (15 U.S.C. 1691, *et seq.*), Regulation B (12 CFR 202), and the Fair Housing Act (42 U.S.C. 3601, *et seq.*).

2. "Applicant" means "applicant" as defined in section 202.2(e) of Regulation B.

3. "Corrective action" means a course of conduct to be undertaken by a creditor at the direction of an enforcing agency to correct the conditions resulting from violations of the Act.

4. "Creditor" means "creditor" as defined in § 202.2(1) of Regulation B.

5. "Enforcing agency" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

GENERAL ENFORCEMENT POLICY

The objectives of the agencies' enforcement policy are to require corrective action for violations and to assure compliance in the future. The enforcing agencies will encourage voluntary correction and compliance with the act. Whenever substantive violations are discovered, however, a creditor that has not previously adopted a written loan policy which is consistent with the act will be required to adopt one and to formulate a compliance plan to implement that policy. In addition, the enforcing agency will take action as indicated in these guidelines to correct the conditions resulting from the violations. In all cases, the enforcing agency will consider the suitability of the prescribed remedy for the circumstances—for example, the character of the violation, the condition of the creditor and the cost and effectiveness of the corrective action—and will make whatever modifications it deems appropriate. If violations remain uncorrected, the enforcing agency will take administrative action by appropriate means, such as a cease and desist order, to insure correcton.

Corrective action under these guidelines will not preclude the enforcing agencies from referring cases involving a pattern or practice of discrimination to the Attorney General, nor does corrective action cut off the rights of individuals under section 706 of the ECOA.

These guidelines should not be considered all inclusive of possible enforcement action by the agencies.

SPECIFIC VIOLATIONS

I. Discouraging Applications on a Prohibited Basis in Violation of § 202.5(a) of Regulation B

The creditor will be required to solicit credit applications from the discouraged class through affirmative advertising, and all advertising will be subject to review by the enforcing agency. The content as well as the medium of advertising should relate to the discouraged class. The creditor may be required to advise agents, dealers, community groups, and brokers that it pursues a non-discriminatory lending policy.

Comment: Identifying the actual victims of pre-screening may not be feasible. Therefore, requiring the solicitation of applications from the discouraged class through affirmative advertising may be the only expedient means of correcting this violation. For example, if a creditor advertises only for deposits in minority areas but directs loan advertising only to white neighborhoods, it would be required to extend similar loan advertising to the minority areas. Or, if a creditor discourages applications from women, future advertising for particular type(s) of credit over a specific period would have to affirmatively solicit that group. In ruling on the adequacy and timing of the proposed affirmative advertising, the enforcing agency will consider the extent of the violation, the resources of the creditor, the type and cost of past advertising, as well as the efficacy of the advertising in reaching the discouraged class.

II. Using Discriminatory Elements in Credit Evaluation Systems in Violation of the Fair Housing Act and §§ 202.6(a) and 202.7 of Regulation B

The creditor will be required to re-evaluate, in accordance with a non-discriminatory written loan policy, all credit applications rejected during a period of time to be determined by the agency. The creditor will be required to send letters soliciting new applications from individuals discriminatorily rejected. These individuals must be refunded any fees or costs paid by them in connection with their original applications. Any individuals who make a new application as a result of such solicitation shall not be required to pay any fee, including but not limited to an application fee, appraisal fee or fee for a credit check, prior to the acceptance of an offer of credit by the creditor. If such application is approved, and the applicant accepts the credit, the creditor shall reimburse the applicant for any penalty incurred in connection with the prepayment of any existing loan which was obtained in lieu of the discriminatorily denied credit.

Comment: The past period for which a creditor will be required to re-evaluate applications will be determined by an assessment of the nature of the violation and the type of credit involved. The standards of creditworthiness used to re-evaluate applications shall not be more stringent than those in effect at the time the applicant was denied credit.

III. Imposing More Onerous Terms on a Prohibited Basis in Violation of the Fair Housing Act and § 202.6(b) of regulation B

Where a creditor has charged a higher rate or required insurance in violation of the act, corrective action will be taken in the form of reimbursement or adjustment. Where other more onerous terms, such as a higher downpayment, were required in violation of the act, the creditor must notify those applicants that they may renegotiate the extension of credit on terms for which they qualified at the time credit was originally granted. Furthermore, the creditor must offer to release the applicant from any other term illegally required, and to reimburse the applicant for any other money illegally required.

Comment: The procedures for correcting violations such as charging a higher rate or requiring credit insurance will be those adopted by the agencies for correcting violations of Regultion Z. (See proposed enforcement guidelines for Regulation Z, 42 FR 55786, October 18, 1977.)

IV. Requiring Cosigners on a Prohibited Basis in Violation of the Fair Housing Act and § 202.7(d) of Regulation B

Where a cosigner is required in violation of the Act, the creditor must offer to release any unnecessary cosigner from liability. Where a cosigner is necessary to support the extension of credit but the creditor has restricted the applicant's choice of cosigner on a prohibited basis, the creditor must notify the applicant that another financially responsible cosigner may be substituted.

V. Failing to collect Monitoring Information in Violation of § 202.13 of Regultion B

If a creditor has failed to collect and retain required monitoring information, it must solicit such information from all who have applied for real estate loans since March 23, 1977, or the previous examination, whichever is later.

Comment: Agencies with substitute monitoring programs may use other forms of corrective action.

VI. Failing to Provide Notices of Adverse Action in Violation of § 202.9 of Regulation B

Appropriate notices of adverse action must be sent to all applicants denied credit within 25 months of the date of the examination.

VII. Failing to Maintain and Report Separate Credit Histories for Married Persons in Violation of § 202.10 of Regulation B

If the creditor has failed to obtain sufficient information to report credit information in accordance with the requirements of § 202.10 of Regulation B for accounts held by married persons, the creditor will be required to obtain all the necessary information it lacks. Thereafter, the creditor shall properly report the credit information.

Whenever the creditor has failed to report credit information in accordance with the requirements of § 202.10 of Regulation B on accounts held by married persons but has sufficient information to do so, it will be required to designate joint accounts to reflect the participation of both spouses. Thereafter, the creditor shall properly report the credit information.

In addition, where the creditor has failed to report a separate credit history as required, each account must also receive a statement advising the account holders that if either spouse has been refused credit since January 1, 1978, on the basis of insufficient credit history, he or she may want to reapply for that credit since the denial may have been caused by the creditor's failure to report all credit information.

VIII. Terminating or Changing the Terms of Existing Open End Accounts on a Prohibited Basis in Violation of § 202.7(c) of Regulation B

Where a creditor has violated the act by terminating an account or making a change in terms which is less favorable to the borrower, the creditor will be required to return the account to its previous condition, unless an evaluation of the creditworthiness of the affected parties justifies other action.

Dated: June 22, 1978.

G. WILLIAM MILLER,
Chairman, Board of Governors of the Federal Reserve System.

H. JOE SELBY,
Acting Comptroller of the Currency.

GEORGE A. LEMAISTRE,
Chairman, Federal Deposit Insurance Corporation.

ROBERT H. MCKINNEY,
Chairman, Federal Home Loan Bank Board.

LAWRENCE CONNELL, JR.,
Administrator, National Credit Union Administration.

[FR Doc. 78-18681 Filed 7-5-78; 8:45 am]

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