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federal register

THURSDAY, JANUARY 4, 1979

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Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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[3195-01-M]

Title 3—The President

Executive Order 12111 • January 2, 1979

Levels IV and V of the Executive Schedule

By the authority vested in me as President of the United States of America by Section 5317 of Title 5 of the United States Code, and in order to place the position of Counselor on Labor Management Relations, Department of Commerce, in level IV of the Executive Schedule, Executive Order No. 12076, as amended, is further amended by deleting "Assistant to the Secretary and Land Utilization Adviser, Department of the Interior." from Section 1-102(g) and inserting "(s) Counselor on Labor Management Relations, Department of Commerce." in alphabetical order in Section 1-101 thereof.

Jimmy Carter

THE WHITE HOUSE,
January 2, 1979.

[FR Doc. 79-445 Filed 1-2-79; 2:01 pm]

[3195-01-M]

Executive Order 12112 January 2, 1979

Seal for the Office of Administration

By the authority vested in me as President by the Constitution of the United States of America, it is hereby ordered as follows:

1-101. There is established for the Office of Administration in the Executive Office of the President an official seal described as follows:

On a blue seal, the Arms of the United States proper above the inscription "OFFICE OF ADMINISTRATION," in gold raised letters, all within a white border edged gold and inscribed "EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES," in blue raised letters. Dark blue suggested by the Seal of the President denotes the direct organizational link with the Presidential office.

1-102. The seal shall be of the design which is attached hereto and made a part of this Order.

Jimmy Carter

THE WHITE HOUSE,
January 2, 1979.

[FR Doc. 79-453 Filed 1-2-79; 2:02 pm]

[3195-01-M]

Memorandum of December 30, 1978

Relations With the People on Taiwan

Memorandum for All Departments and Agencies

THE WHITE HOUSE,
Washington, December 30, 1978.

As President of the United States, I have constitutional responsibility for the conduct of the foreign relations of the nation. The United States has announced that on January 1, 1979, it is recognizing the government of the People's Republic of China as the sole legal government of China and is terminating diplomatic relations with the Republic of China. The United States has also stated that, in the future, the American people will maintain commercial, cultural and other relations with the people of Taiwan without official government representation and without diplomatic relations. I am issuing this memorandum to facilitate maintaining those relations pending the enactment of legislation on the subject.

I therefore declare and direct that:

(A) Departments and agencies currently having authority to conduct or carry out programs, transactions, or other relations with or relating to Taiwan are directed to conduct and carry out those programs, transactions, and relations beginning January 1, 1979, in accordance with such authority and, as appropriate, through the instrumentality referred to in paragraph D below.

(B) Existing international agreements and arrangements in force between the United States and Taiwan shall continue in force and shall be performed and enforced by departments and agencies beginning January 1, 1979, in accordance with their terms and, as appropriate, through that instrumentality.

(C) In order to effectuate all of the provisions of this memorandum, whenever any law, regulation, or order of the United States refers to a foreign country, nation, state, government, or similar entity, departments and agencies shall construe those terms and apply those laws, regulations, or orders to include Taiwan.

(D) In conducting and carrying out programs, transactions, and other relations with the people on Taiwan, interests of the people of the United States will be represented as appropriate by an unofficial instrumentality in corporate form, to be identified shortly.

(E) The above directives shall apply to and be carried out by all departments and agencies, except as I may otherwise determine.

I shall submit to the Congress a request for legislation relative to nongovernmental relationships between the American people and the people on Taiwan.

This memorandum shall be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc. 79-479 Filed 1-2-79; 4:26 pm]

rules and regulations

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

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

[3175-01-M]

Title 6—Economic Stabilization

CHAPTER VII—COUNCIL ON WAGE AND PRICE STABILITY

PART 705—NONINFLATIONARY PAY AND PRICE BEHAVIOR

Correction of Error in Printing

AGENCY: Council on Wage and Price Stability.

ACTION: Correction of error in printing.

SUMMARY: On December 28, 1978, the Council on Wage and Price Stability published in the FEDERAL REGISTER at 43 FR 60772 voluntary standards for compliance with the President's anti-inflation program. Due to an error in printing, ten words were inadvertently included in Section 705A-5(b) which should be deleted. This error would tend to confuse or mislead the reader. Accordingly, the words, "need not comply with the general price deceleration standard but" should be deleted from Section 705A-5(b) from 43 FR 60774.

EFFECTIVE DATE: December 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Roy A. Nierenberg, Assistant General Counsel, Council on Wage and Price Stability, 726 Jackson Place, N.W., Washington, D.C. 20506.

Issued in Washington, D.C., January 2, 1979.

Dated: January 2, 1979.

BARRY BOSWORTH,
Director, Council on Wage and Price Stability.

[FR Doc. 79-396 Filed 1-3-79; 8:45 am]

[3410-02-M]

Title 7—Agriculture

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

[Navel Orange Reg. 447]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 5-11, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: January 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the 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 Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on December 29, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges continues to be dull.

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

§ 907.747 Navel Orange Regulation 447.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period January 5, 1979, through January 11, 1979, are established as follows:

(1) District 1: 450,000 cartons;

(2) District 2: 59,556 cartons;

(3) District 3: unlimited movement.

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

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

Dated: January 3, 1979.

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

[FR Doc. 79-559 Filed 1-3-79 11:31 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-CE-24-AD; Amendment 39-3386]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 33, 35, 36, 55, 56, 58, 65, 70, 90, 95, 99, 100 and 200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, supersedure of existing Airworthiness Directive.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech 33, 35, 36, 55, 56, 58, 65, 70, 90, 95, 99, 100 and 200 series airplanes, which supersedes AD 74-13-02. The new AD requires a one-time visual inspection of the control systems for improper screws and the replacement thereof with screws having proper strength. Approximately 3,159 additional airplanes not presently covered by AD 74-13-02 are added to the applicability statement of this AD. The action set forth herein will assure continued structural integrity of these control systems and preclude possible failures which could have an adverse effect on aircraft controllability.

DATE: Effective date, January 8, 1979.

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

ADDRESSES: Beechcraft Service Instructions No. 0629-150, Revision II, applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the service instructions cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Amendment 39-1874 (39 FR 20784), AD 74-13-02, published in the FEDERAL REGISTER on June 14, 1974, currently requires a one-time inspection of the control systems on certain Beech 33, 35, 36, 55, 56, 58, 65, 90, 95, and 100 series airplanes for improper screws and the replacement thereof with screws having proper strength in accordance with Beechcraft Service Instructions No. 0629-150.

Investigation of three reports recently received involving certain Beech airplanes, that were not included in the applicability of AD 74-13-02, show that the manufacturer produced additional airplanes before and after the issuance of AD 74-13-02, in which understrength screws were inadvertently installed at certain locations in the control systems. These understrength screws are subject to fatigue failure since their fatigue endurance limit stress is lower than the stresses expected to occur in service. Failure of these screws could have an adverse effect on aircraft controllability.

To correct this problem on new production aircraft, the manufacturer has now initiated a procedure to color-code low strength screws and has added an item entry in the production inspection record books for inspection sign-off of the control systems fasteners. To correct the problem on in-service airplanes, the manufacturer issued Revision II to Beechcraft Service Instructions No. 0629-150 which recommends, on all airplanes currently affected by AD 74-13-02 which have not accomplished said AD and approximately 3,159 additional airplanes, a one-time visual inspection of the control systems for under strength screws and the replacement thereof with the correct fasteners.

Accordingly, the FAA has decided to supersede AD 74-13-02 with a new AD applicable to certain Beech 33, 35, 36, 55, 56, 58, 65, 70, 90, 95, 99, 100 and 200 series airplanes making compliance with the recommendations of Beechcraft Service Instructions No. 0629-150, Revision II, mandatory, unless AD 74-13-02 has previously been accomplished.

Since a situation exists that requires the expeditious 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.

ADOPTION OF THE AMENDMENT

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

BEECH. Applies to the following models and serial number airplanes, certificated in all categories, except those that have previously complied with AD 74-13-02:

Models	Serial numbers	Item numbers (refers to items in table I)
F33A	CE-447 through CE-684	(1), (2)
F33A	CE-372	(2)
F33C	CJ-31 through CJ-128	(1), (2)
G33	CD-1292 through CD-1304	(1), (2)
35-C33	CD-970	(1), (2)
35-C33, 35-C33A	CD-1066 & CE-62	(2)
35-B33	CD-700	(2)
V35B	D-9478 through D-9480, D-9482 through D-9531, D-9533 through D-9536 and D-9539.	(1)
A36	E-323	(2)
A36	E-441 through E-954	(1), (2)
D55 & D55A	TE-485, TE-615, TE-703 and TE-710	(2)
E55 & E55A	TE-790, TE-911	(2)
E55 & E55A	TE-905, TE-923 through TE-937, TE-939, TE-940, TE-942, and TE-943 through TE-1084.	(1), (2)
56TC	TG-78 and TG-83	(2)
58 & 58A	TH-49, TH-77, TH-114, TH-180, TH-217, TH-324	(2)
58 & 58A	TH-145, TH-340 and TH-343 through TH-779	(1), (2)
58P & 58PA	TJ-2 through TJ-97	(1), (2)
58TC & 58TCA	TK-1 through TK-37	(1), (2)
65-B80	LD-441 through LD-511	(1), (3), (5), (6), (7)
70	LB-31 through LB-35	(1), (3), (5), (6), (7)
B90 & C90	LJ-500 through LJ-706	(1), (3), (5), (6), (7)
E90	LW-1 through LW-209	(1), (3), (5), (6), (7)
95-A55	TC-241	(1)
95-B55 & 95-B55A	TC-661 and TC-1510	(2)
95-B55 & 95-B55A	TC-1570 through TC-2011	(1), (2)
95-C55 & 95-C55A	TE-271	(2)
95-C55 & 95-C55A	TE-415	(1)
99, 99A, A99A, B99	U-134 through U-164	(1), (3), (4), (5), (6), (7)
100 & A100	B-61 through B-178, B-180 through B-204 and B-206 through B-231.	(1), (3), (4), (5), (6), (7)
B100	BE-1 through BE-19	(1), (3), (4), (5), (6), (7)
200	BB-2 through BB-185, & BB-187 through BB-199	(3), (4), (8), (9), (10)
200T	BT-1	(3), (4), (8), (9), (10)

COMPLIANCE: Required as indicated unless already accomplished.

To assure continued structural integrity of certain screws in the airplane control system, in accordance with instructions set forth herein and in Beechcraft Service Instructions No. 0629-150, Revision II or later approved revisions, accomplish the following:

(A) Within 100 hours time-in-service after the effective date of this AD:

For affected models and serial numbers, determine those Item Numbers applicable thereto by referring to the column above entitled "Item Numbers". Next, determine the number, type and location of screws by referring to Table I of this AD (see below). Replace each screw at the specified location except that an existing screw need not be replaced if inspection shows that the head has at least one raised or depressed "X" mark. Replace the screws one at a time at the hinge brackets to retain original alignment of the bracket.

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

TABLE I

Item 1. Two AN502-10-10 screws securing each hinge bracket at leading edge of rudder or ruddevator.

Item 2. Two AN502-10-10 screws securing each hinge bracket at leading edge of elevator.

Item 3. Two AN502-10-12 screws securing elevator control cables to forward bellcrank under pilot's compartment left floorboard.

Item 4. Two AN503-8-8 screws securing elevator control cables to aft bellcrank in fuselage tail section.

Item 5. Two AN503-8-10 screws securing rudder control cables to forward bell crank under pilot's compartment floorboard aft of left rudder pedals.

Item 6. Two AN503-8-6 screws securing rudder control cables to aft bell crank in the fuselage tail section.

Item 7. Two AN503-8-6 screws securing aileron control cables to bellcrank under floor-board just forward of the rear spar.

Item 8. Two AN503-8-8 screws securing rudder control cables to forward bellcrank under pilot's compartment floorboard aft of left rudder pedals.

Item 9. Two AN503-8-8 screws securing rudder control cables to the aft quadrant assembly in the fuselage tail section.

Item 10. Two AN503-8-8 screws securing aileron control cables to bellcrank under floorboard just forward of the rear spar.

This AD supersedes AD 74-13-02, Amendment 39-1874 (39 FR 20784).

NOTE.—Scheduling accomplishment of this Airworthiness Directive simultaneously with accomplishment of Airworthiness Directive No. 78-22-05 will result in a savings of man-hours.

This amendment becomes effective January 8, 1979.

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

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

Issued in Kansas City, Missouri on December 21, 1978.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc. 79-218 Filed 1-3-79; 8:45 am]

[4910-13-M]

[Docket No. 78-CE-22-AD; Amendment 39-3385]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models E50, F50, G50, H50, J50, 65, A65, A65-8200, 65-80, 65-A80-8800, 65-B80, 65-88, 70, C50, D50, D50A, D50B, D50C, and D50E Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY. This Amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models E50, F50, G50, H50, J50, 65, A65, A65-8200, 65-80, 65-A80-8800, 65-B80, 65-88, 70, C50, D50, D50A, D50B, D50C, and D50E airplanes. This AD consolidates, incorporates, and simplifies the requirements of ADs 72-18-7, 73-23-04, 75-25-04, 76-13-03, and 77-25-01 into one document. These ADs required modifications and inspections to reduce the possibility of catastrophic in-flight powerplant fires. It also cancels AD 72-18-8, deletes certain models on which compliance with AD 77-25-01 is not necessary, and includes an additional inspection requirement in the wing leading edge of certain Beech Models 65, 65-80 and 65-A80 airplanes. This AD action is taken to ease compliance without compromising safety.

EFFECTIVE DATE: January 8, 1979.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Copies of the service instructions cited herein are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591. Beechcraft Service Instructions noted in this AD may be obtained from local Beechcraft Aviation Centers (Dealers) or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, P.O. Box 85, Wichita, Kansas 67201.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The FAA has issued several previous ADs applicable to certain Beech Models 50, 65 and 70 series airplanes to reduce the possibility of fatal accidents resulting from in-flight powerplant fires. These ADs were 72-18-7, 72-18-8, 73-23-04, 75-25-04, 76-13-03 and 77-25-01. Subsequent to the issuance of these ADs, the FAA has completed investigations, received field reports and reviewed the requirements of these AD actions. As a result, the agency has determined that certain models to which these ADs were applicable may be deleted, the requirements of the ADs may be simplified and a new inspection of the wing leading edge should be added to the presently required inspections. Accordingly, the FAA is issuing a new AD superseding the above mentioned ADs which will accomplish these actions.

The FAA has determined that there is an immediate need for a regulation to facilitate compliance to assure safe operation of the affected airplanes without compromising safety. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than thirty (30) days after the date of its publication in the FEDERAL REGISTER.

BEECH: Applies to Models E50, F50, G50, H50, J50, 65, A65, A65-8200, 65-80, 65-A80, 65-A80-8800, 65-B80, 65-88, and 70 and those Models C50, D50, D50A D50B, D50C, and D50E airplanes modified per STC SA76SW.

Compliance: Required as indicated unless already accomplished. To prevent or reduce the possibility of in-flight fires in the engine compartment, wing, nacelle and main landing gear wheel well accomplish the following:

A. Modifications or parts replacement. Within 100 hours time-in-service after December 12, 1977, or the last inspection per AD 77-25-01, on all applicable airplanes except those exempted below:

1. Unless previously accomplished per AD 72-18-7 on Models 65 (S/Ns L-1, L-2, L-6, LF-7, LF-8 and LC-1 thru LC-239) A65 and A65-8200 (S/Ns LC-240 thru LC-335); 70 (S/Ns LB-1 thru LB-35) 65-80, 65-A80, 65-A80-8800, and 65-B80 (S/Ns LD-1 thru LD-456)

and 65-88 (S/Ns LP-1 thru LP-47) airplanes.

a. Install Beech Part No. 131072 Flight Manual Supplement in the Airplane Flight Manual.

b. Install Beech P/N 50-910615-3 decal or a locally fabricated placard using 3/32" high letters on the overhead or instrument panel which reads as follows:

EMERGENCY ENGINE SHUTDOWN PROCEDURES

1. MIXTURE CONT-IDLE CUT-OFF
2. FUEL SELECTOR-OFF
3. OIL SHUT-OFF HDL-UP AND LKD
4. PROP CONTROL-FEATHERED
5. THROTTLE-FULLY OPEN
6. BOTH BOOST PUMPS-OFF
7. MAGNETO SWITCH-OFF
8. ALTNTR/GEN SWITCH OFF

2. Unless previously accomplished per AD 73-23-04 on Models 65 (S/Ns L-1, L-2, L6, LF-7 and up and LC-1 thru LC-239), A65 and A65-8200 (S/Ns LC240 through LC-335) 65-80 [S/Ns LD-1 thru LD-150 (except LD-34 and LD-46)]; 65A80 and 65-A80-8800 (S/Ns LD-34, LD-46, LD-151 thru LD-269); 65-B80 (S/Ns LD-270 thru LD-475); 70 (S/Ns LB-1 and up) E50 (S/Ns EH-1 thru EH-70); F50 [S/Ns FH-71 thru FH-96 (except FH-94)] G50 (S/Ns GH-94, GH-97 thru GH-119); H50 (S/Ns HH-120 thru HH-149); J50 (S/Ns JH-150 and up) airplanes, except those modified per STCs SA444SW, SA76SW or SA587SW install Beech Nacelle Interior Fire Seal Kit No. 65-9008-1.

3. Unless previously accomplished per AD 73-23-04 on Models 65-88 [S/Ns LP-1 and up (except LP-27 and LP-29)] airplanes, except those modified per STCs SA444SW, SA76SW or SA587SW install Beech Nacelle Interior Fire Seal Kit No. 65-9008-3.

4. Unless previously accomplished per AD 75-25-04 on Model 65-B80 (S/Ns LD-476 thru 502 and LD-504) airplanes, visually inspect the nacelle interior fire shield installation for the proper installation of the P/N 50-980109-5 and -7 shields in accordance with Beechcraft Service Instruction No. 0771-065 or later revision and correct as necessary in accordance with the above service instruction.

5. Unless previously accomplished per AD 76-13-03 on Model 65-88 (S/Ns LP-1 thru LP-26, LP-28 and LP-30 thru LP-47) airplanes, visually inspect the LH and RH nacelle fire shield installation in accordance with Beechcraft Service Instructions 0809-065 or later approved revision for installation of the small P/N 50-980109-5 shield above the second stage augmenter tube on the inboard side of both nacelles. If not present install this part in accordance with the above Instruction.

B. Inspections

1. With 25 hours time-in-service after December 12, 1977, or 100 hours time-in-service after the last inspection per AD 77-25-01 and each 100 hours time-in-service thereafter, except as noted in paragraph B.2., accomplish the following:

a. Engine Compartment Inspection

Open the cowl doors and visually inspect engine and powerplant components forward of the firewall as indicated.

(i) Drain plugs, filters and strainers for security, leakage and dirt accomulation.

(ii) Engine cylinders for cracks, abnormal leakage and security of hold down nuts. Note: Minor oil seepage stains at engine parting lines, rocker box covers, and push rod housings are acceptable.

(iii) Engine carburetion and induction system for security of attachment, evidence of leakage, deterioration and damage such as stains, chafing, cuts, bulges and cracks.

(iv) Fuel and oil lines and their fittings for security as evidenced by torque paint or putty, and evidence of deterioration such as stiffness, stains, cracks, chafing, and leakage. Note: Fire sleeves need not be removed for this inspection.

(v) Exhaust system stacks and primary augmenters for security of attachment, integrity of supports, cracks, bulges and alignment.

(vi) Drains for deterioration and blockage.

(vii) Cowl and firewall for fuel and oil stains and indications of source of these stains.

(viii) Firewall for missing or deteriorated grommets and open holes.

b. Nacelle and wheel well inspection: Remove augmenter covers, open or remove access doors and inspection covers, canvas covers over fuel selectors (if installed), inverter access covers (if installed), and cover over the hydraulic driven cabin pressurization compressor (Moded 65-88) and visually inspect the following components in the engine nacelles as indicated:

(i) All flammable fluid lines and drain lines for deterioration, chafing against other components, other damage and fitting security.

(ii) Oil tank installation including supply, return and vent lines for evidence of deterioration, leakage or damage.

(iii) Fuel selector valve and hydraulic cabin pressurization system reservoir for evidence of damage, leakage and security of line fittings and mounting.

c. Fuel System Leakage Inspection: On airplanes having engines with Bendix fuel injection system disconnect and cap the hose at the fuel injection nozzle at the top of the induction housing, select main tanks, turn main boost pump ON, place mixture control in rich position and check all fuel carrying lines and fitting in the engine compartment and wheel well for leakage. Correct leaks detected and recheck prior to installing hose on nozzle fitting. On other airplanes, with mixture control in "cut off" select main tanks, turn main boost pump ON and check all fuel carrying lines and fittings in the engine compartment and wheel well for leakage. Correct leaks detected and recheck.

d. Wing Inspection:

(i) Visually inspect the wings for fuel stains or wetness of the lower wing skin from fuel cell leakage.

(ii) Remove leading edge between nacelle and fuselage and visually inspect flexible and solid flammable fluid line and electrical bundles for adequate separation.

2. Within 100 hours time-in-service since last inspection per AD 77-25-01 and each 500 hours time-in-service thereafter, on Models 65 (Serial Number LC-163 thru LC-324); 65-80 (Serial Numbers LD-1 thru LD-150) and 65-A80 (Serial Numbers LD-151 thru LD-269, except LD-263)

a. Remove the inboard secondary augmenter and visually inspect fuel flow indicator hoses on aft side of firewall above augmenters for evidence of deterioration or chafing, tightness of fittings and line security.

3. After completion of above inspections, correct all unsatisfactory or unairworthy conditions noted and reinstall or close all door panels or access plates removed for the inspection.

C. Engine Run Up and Fuel System Functional Check.

1. After completion of inspections required by Section B, start and warm up engines using normal procedures. Check functioning of fuel injector or carburetor idle cutoff by moving mixture controls to "idle cutoff" position and observing RPM and fuel pressure, or flow indications as appropriate, for drop. When drop is observed move mixture control back to full rich position and check for proper fuel tank selector valve operation by placing selector in "OFF" position and observe engine RPM and fuel pressure or flow indications, as appropriate, for drop. After stopping engines, open cowls and vusually inspect engine compartments and nacelles for fuel or oil leakage and correct as necessary before returning airplane to service.

D. The interval for the repetitive inspection and checks set forth in Paragraphs A, B and C of this AD may be extended by 10 hours up to a maximum of 110 hours time-in-service to allow compliance at previously scheduled maintenance periods.

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

Beech Service Bulletins No. 66-24 or later revisions, Beech Service Bulletin No. 67-8 or later revisions, Beechcraft Service Instruction 0509-016 or later revision, Beechcraft Service Instruction No. 0771-065 or later revision, and Beechcraft Service Instructions 0809-065 or later revision pertain to this subject.

This AD supersedes the following: AD 72-18-7, Amendment 39-1512 (37 FR 18030); AD 72-18-8, Amendment 39-1513 (37 FR 18030 and 18031) as amended by Amendment 39-3152 (43 FR 9593 and 9594); AD 73-23-04, Amendment 39-1740 (38 FR 30867), as amended by Amendments 39-1771 (39 FR 2469) and 39-1813 (39 FR 13072 and 13073); AD 75-25-04, Amendment 39-2449 (40 FR 56883); AD 76-13-03, Amendment 39-2690 (41 FR 25997); and 77-25-01, Amendment 39-3092 (42 FR 61993-61995).

This amendment becomes effective January 8, 1979.

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

NOTE.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 982; March 8, 1978).

Issued in Kansas City, Missouri on January 21, 1978.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc. 79-217 Filed 1-3-79; 8:45 am]

[4910-13-M]

[Docket No. 78-CE-23-AD; Amdt. 39-3384]

PART 39—AIRWORTHINESS DIRECTIVES

Great Lakes Models 2T-1A-1 and 2T-1A-2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to Great Lakes Models 2T-1A-1 and 2T-1A-2 airplanes. It requires repetitive inspections of the exhaust system heat exchanger and the heat exchanger hanger and the replacement of cracked or failed parts. Optionally, the AD will authorize discontinuance of the inspections upon removal of the heat exchanger and installation of a standard exhaust system. This AD is necessary because failures of these exhaust systems have resulted in carbon monoxide entering the cockpit area. Such a condition may cause pilot incapacitation and adversely affect safety of flight.

EFFECTIVE DATE: January 4, 1979.

COMPLIANCE: As required in the body of the AD.

ADDRESSES: Great Lakes Aircraft Company (GLAC) Service Bulletin No. 9, dated November 17, 1978, or later revisions, applicable to this AD, may be obtained from Great Lakes Aircraft Company, c/o Aerotique, Inc., Box 3526, Enid, Oklahoma 73701; Telephone (405) 233-4686. A copy of the service bulletin cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Paul O. Pendleton, Aerospace Engineer, Engineering and Manufacturing District Office, Federal Aviation Administration, Central Region, Room 238, Terminal Building, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: Several failures of the exhaust system heat exchanger support plate have occurred on a Great Lakes Model 2T-1A-2 airplane. In one of these instances, the occupants of the aircraft became ill because of carbon monoxide poisoning. In addition, the manufacturer has advised that a substantial number of replacement heat exchanger hangers have been supplied to the field. Failure of these hangers will result in excessive stresses being imposed on the exhaust system heat exchanger support plate which, in turn, will accelerate failure of this plate. The manufacturer has issued Great Lakes Aircraft Company (GLAC) Service Bulletin No. 9, dated November 17, 1978, containing instructions for inspection and/or removal of the optional exhaust heat exchanger. Since the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, the FAA is issuing an AD requiring visual inspection of the exhaust system heat exchanger support plate for cracks or failure within 25 hours time-in-service after the effective date of this AD and each 25 hours time-in-service thereafter. Additionally, the AD will also require visual inspection of the heat exchanger hanger for cracks or failure at each preflight inspection. Optionally, the exhaust system heat exchanger may be replaced with a standard exhaust system and the foregoing inspections discontinued. The inspection procedures in the AD are less stringent than those recommended by the manufacturer because the FAA considers the 100-hour interval ZYGLO or DYE CHECK inspections unnecessary.

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 its publication in the FEDERAL REGISTER.

ADOPTION OF THE AMENDMENT

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

GREAT LAKES: Applies to Models 2T-1A-1 and 2T-1A-2 airplanes.

Compliance: Required as indicated unless already accomplished.

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

(A) Within the next 25 hours time-in-service after the effective date of this AD:

1. Determine if the airplane is equipped with a cockpit heater system and, if not, make an entry in the airplane's maintenance record that the airplane complies with Paragraph A)1 and that futher compliance with this AD is not required. This determination and maintenance record entry may be made by the owner or holder of a valid pilot certificate.

2. If the airplane is equipped with a cockpit heater system, prior to further flight, install a revision in the walk around inspection (Section II C. 2.) of the Flight Manual adding an inspection of the exhaust system hanger (Figure 1 of this AD).

3. If the airplane is equipped with a cockpit heater system, prior to further flight, and within each 25 hours time-in-service thereafter:

(a) Remove the cowl to gain access to the engine installation.

(b) Disconnect the two cockpit air heater ducts from the heater shroud and remove the shroud.

(c) Visually inspect the support plates of the heat exchanger at both ends for cracks between the five tube cluster.

(d) If no cracks are found, return the heat exchanger to service.

(e) If cracks are found, either replace the heat exchanger system with an airworthy part or, in the alternative comply with Paragraph B) of this AD.

(B) Remove the optional heat exchanger system and:

(1) Install P/N 50126-1 stack assembly on all aircraft and P/N 50172-1 shield on aircraft equipped with IO-360-BIF6 and AEIO-360-BIG6 engines using QS100-M32W or equivalent clamps.

(2) Block existing cockpit heat control valve in closed position by safety wiring control arm to adjacent aircraft structure.

(3) Block the cockpit air supply opening in the left vertical engine cooling baffle per AC 43.13 1 and 2.

(4) Remove Aircraft Flight Manual Revision specified in Paragraph A)2 of this AD (if installed).

(C) Inspections specified in Paragraph A)3 of this AD may be discontinued upon removal of the cockpit heat exchanger per Paragraph B) of this AD.

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

Great Lakes Aircraft Company (GLAC) Service Bulletin No. 9, dated November 17, 1978, or later revisions, pertain to portions of this subject.

This amendment becomes effective on January 4, 1979.

AIRPLANE FLIGHT MANUAL REVISION

(AD 78-26-10 requires this revision to remain in the below designated airplane flight manual when the airplane is equipped with the optional cockpit heat system.)

MODEL—— N—— S/N——

In addition to the presently specified preflight procedures, prior to each flight:

1. Inspect the left engine exhaust tail pipe hanger for deformation or failure.

2. If found failed, the hanger must be repaired prior to further flight.

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

NOTE: The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as imple-

mented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Kansas City, Missouri on December 19, 1978.

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

[FR Doc. 79-210 Filed 1-3-79; 8:45 am]

[4910-13-M]

[Docket No. 77-WE-39-AD; Amdt. 39-3387]

PART 39—AIRWORTHINESS DIRECTIVES

Piper (Ted Smith) Aerostar Models 600, 601, and 601P Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive that supersedes AD 77-26-04, and which continues and clarifies an existing requirement for installation of a low fuel warning system, requires initial and periodic inspections of the wing fuel filler caps for air leakage, reduces the total usable fuel quantity from 174.5 U.S. gallons to 165.5 U.S. gallons, requires modifications to the fuel gaging system in the cockpit, requires installation of wing fuel tank overpressure valves on aircraft that lack this feature, and requires revisions to the Airplane Flight Manual and placards. This amendment is needed to reduce the possibility of double engine failure due to fuel starvation.

DATES: Effective February 2, 1979. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Piper Aerostar, Customer Service Department, 2560 Skyway Drive, Santa Maria, California 93454.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Amendment 39-3103 (42 FR 64111), AD 77-26-04 was made effective December 30, 1977 to require: changes to the airplane flight manual, installation of a placard concerning fuel system operation, and the installation of a low fuel warning system on all Aerostar Model 600 series airplanes. Amendment 39-3103 was later amended by Amendment 39-3135, effective February 13, 1978, to delete reference to hours time in service for accomplishment while maintaining the originally specified calendar compliance time.

Adoption of AD 77-26-04 emanated as a first priority action from an FAA Special Certification Review (SCR) Team study initiated in August, 1977 to review the apparent problems of Aerostar Model 600 series airplane double engine failures due to fuel starvation. Flight tests were not included in the SCR Team's activities; but the team recommended that further studies and flight testing be completed in a follow-on effort to resolve a number of issues raised by the team. In addition to the priority actions required by AD 77-26-04, these issues concerned: the fuel quantity indicating system; fuel system management procedures; the fuel tank vent system; baffling of the wing tank compartments; the ability to restart an engine in flight; and the adequacy of the placards, markings, and manuals. Accordingly, the preamble to AD 77-26-04 indicated that the Aerostar Model 600 series airplane fuel system was the subject of continuing FAA studies.

Other SCR team recommendations concerned the possible need to amend the fuel system requirements of the Federal Aviation Regulations, Part 23, which are outside the scope of this amendment.

Subsequent to the adoption of AD 77-26-04, the FAA has conducted an extensive review of the Aerostar Model 600 series airplane fuel system type design data and accident and incident data. Discussions were also held with pilots who were involved in double engine failure accidents or incidents. A new issue was raised relative to the effects of possible air leakage through the wing tank fuel filler caps on the wing fuel feeding characteristics. The SCR Team recommendations and the information gained from the studies conducted subsequent to the adoption of AD 77-26-04 were used to develop a comprehensive flight and ground test program to complete a total re-evaluation of the Aerostar Model 600 series airplane fuel system features and characteristics. These flight and ground tests included a re-evaluation of the fuel system feeding characteristics at various flight attitudes; wing tank venting; adequacy of the fuel quantity indicating system; adequacy of fuel system operating information instructions and limitations available to the pilot; engine restarting characteristics in flight; effect of wing tank fuel filler cap air leakage on wing tank fuel feeding, refueling procedures and characteristics; and the quantities of fuel that can be loaded on the aircraft under typical refueling conditions to be expected in service.

As a result of the flight and ground tests, the FAA has concluded that two features questioned by the SCR Team, namely the wing fuel tank vent valve, and the lack of baffling in the wing fuel tanks do not constitute unsafe conditions that justify required design changes. It was also determined that the engines can be readily restarted in flight after fuel starvation once fuel flow to the stopped engine has been reestablished.

The flight and ground tests confirmed the importance of maintaining a usable quantity of fuel in the fuselage tank for feeding the engines, particularly during turbulence or during descent and approach to landing. Depletion, or shutoff, of the fuselage tank was found to result in relatively high unusable fuel quantities in the wing tanks which under certain attitudes, maneuvers, or turbulence might result in unexpected engine failures due to fuel flow interruption.

It was confirmed by flight tests that air leakage through the wing fuel filler caps could unbalance the relative pressure heads between the affected wing tank and the fuselage tank feeding an engine, and thus could cause the fuselage tank to deplete prematurely. Inspections are therefore needed to ensure that the wing fuel filler caps provide a tight air seal. Extended flight with one wing low was also found by flight test to unbalance the relative pressure heads between the fuselage tank and the fuel tank in the down wing. This situation could also contribute to premature fuselage tank depletion.

Hence, the importance of the low fuel warning system required by AD 77-26-04, set to warn the pilot when the fuel level in the fuselage tank was at or below approximately 12 gallons, was reconfirmed. Preservation of a usable quantity of fuel in the fuselage tank until the point of landing is imperative to the safe operation of the airplane. Fuel flow from the fuselage tank to an engine is shut off when crossfeed is selected for that engine. The selection of crossfeed on both engines (double crossfeed), blocks fuel in the fuselage tank from reaching either engine. Because it is particularly important to maintain flow of fuel from the fuselage tank to both engines during descent and approach to landing, selection of double crossfeed during this phase of flight must continue to be prohibited.

Because of the importance of the fuselage tank, priority must be given to filling the fuselage tank when a flight is initiated with less than full fuel aboard. A placard statement at the wing fuel filler locations is needed to ensure this practice.

Improvement in readability of the fuel gaging system, including fuel gage relocation was found to be necessary by flight evaluation. It is also particularly important that the gaging system provide a continuous indication of the fuselage tank fuel quantity remaining. Furthermore, the system must provide the pilot with a means to assess the consumption of fuel from the fuselage tank relative to that consumed from the wing tanks to reduce the possibility that the first indication of premature fuselage tank depletion, from whatever cause, is given when the low fuel warning light illuminates.

The need for wing tank overpressure relief valves, with a relief pressure setting of approximately 1.5 p.s.i. was established to provide for fuel expansion in the wing tanks on the ground, which in turn precludes overpressurizing wing fuel tanks when the aircraft is left in the sun or is moved to a warmer environment after refueling. Later production airplanes have the overpressure relief valves but some earlier production airplanes do not. Installation of these valves is intended to obviate the need to deliberately leave the wing fuel filler caps loose after refueling, which has been found to be a common practice. Flight with a loose wing fuel filler cap will lead to premature depletion of the fuselage fuel tank, as mentioned above.

Ground tests confirmed that, due to the thin wing tank geometry and low wing dihedral, small changes in the lateral attitude of the airplane from level, (e.g. small ramp slopes), while refueling, can result in several gallons less than full fuel being loaded aboard when full fueling was intended. It was also found that several gallons of fuel can be lost overboard during normal heating expansion of the wing fuel while the airplane is setting on the ramp in the sun or in a warming environment. From these findings, the FAA has concluded that the maximum usable fuel for safe flight planning must not exceed one hundred sixty five and one half, (165.5) U.S. gallons. One hundred seventy four and one half, (174.5), U.S. gallons are presently specified.

A need was found to provide better general descriptive information in the Airplane Flight Manual and placards on the fuel system. Also, fuel system operating limitations, precautionary information, and fuel system emergency precedures, are needed in the Airplane Flight Manual and on placards for display in the cockpit and at fuel filler locations. One of the more important placard changes considered necessary has to do with the use of double crossfeed. AD 77-26-04 introduces a limitation against the use of double crossfeed. This limitation should be modified to prohibit use of double crossfeed except in those emergency situations where the fuselage tank fuel supply has been depleted to the warning light level, and a safe landing location is not available within the time remaining with 12 gallons of fuselage tank fuel. If the pilot determines that fuel remains in the wing tanks, use of double crossfeed is the only way to preserve the remaining fuselage tank fuel for use during descent and approach to landing after reaching a location where a safe landing can be accomplished. The fuel selectors must then be taken out of double crossfeed to make the fuselage tank fuel available for descent on approach to landing. For normal operation, FAA continues to consider use of double crossfeed a hazardous practice because, even with large fuel quantities in the wing tanks, fuel supplied from the fuselage tank is shut off by the selection of double crossfeed and subjects both engines to loss of fuel flow due to fuel shifts in the wing tanks caused by aircraft attitude changes or turbulence.

A need was also determined to add a caution note in the Airplane Flight Manual against using a fuel flow totalizer, now commonly available, as a primary indication of fuel quantity. Some totalizer systems only subtract engine fuel consumed from initial fuel aboard data input by the pilot. The accuracy of these systems is totally dependent upon the accuracy of the pilot's pre-takeoff initialization of fuel aboard data. A requirement is also needed to adjust certain types of totalizers, which have a pre-set total usable fuel quantity memory (Silvertron and Symbolic Display), to ensure that the total usable fuel quantity data, pre-set in the memory system of these totalizers, has been changed to reflect the new, reduced, 165.5 U.S. gallons total usable fuel quantity.

As a result of the findings made during reevaluation of the Aerostar Model 600 series airplane fuel system, as summarized above, the FAA has determined that a number of corrective actions must be required to facilitate good fuel management practices and to ensure that unsafe conditions do not exist or develop on airplanes of the same type design. These corrective actions consist of: continuing and clarifying the existing requirement for a low fuel warning system; initial and periodic inspections of the wing fuel filler caps to preclude possible air leakage; a reduction in the total usable fuel quantity limitation from 174.5 U.S. gallons to 165.5 U.S. gallons; modifications to the fuel gaging system in the cockpit; addition of wing fuel tank over-pressure relief valves on airplanes that don't presently have this feature; and inspection of the relief pressure setting on airplanes that presently have the feature; and a number of revisions to the Airplane Flight Manual and placards. Differing compliance times have been established for the various corrective actions, consistent with the importance of each corrective action to safety and the availability of Airplane Flight Manual revisions, placards, and modification parts.

Since a situation exists requiring immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable. Paragraph (d) of this amendment has an extended compliance time and has been included to provide a complete statment of required corrective actions based on safety considerations. Also, adoption of Paragraph (d) at this time provides lead time for Piper Aerostar, or other interested persons, to develop and obtain FAA approval of the required modifications, and provides lead time for the operators to schedule and plan compliance with a minimum burden. To prescribe the modifications required by Paragraph (d) of this AD under the usual notice and public procedures followed by the FAA within the time the FAA has determined is required in the interest of safety, would necessarily result in a reduction of compliance time for the modification required by Paragraph (d) of this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of modifications required by Paragraph (d) of this AD within the time the FAA has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedures Act impracticable and this amendment becomes effective on or before February 5, 1979. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding Paragraph (d) of this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Rules Docket, FAA Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before March 1, 1979 will be considered by the FAA and Paragraph (d) or this AD may be changed in light of the comments received. All comments submitted will be available, both before and after March 1, 1979, in the Rules Docket for examination by interested persons. A report summariz-

ing each FAA-public contact, concerned with the substance of the AD, will be filed in the Rules Docket.

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) Amendment 39-3103 (42 FR 64111) AD 77-26-04 as amended by Amendment 39-3135 is superseded by adding the following new airworthiness directive:

PIPER. (TED SMITH) Applies to Aerostar Models 600, 601, 601P Airplanes certificated in all categories.

Compliance required as indicated.

To reduce the possibility of double engine failure due to fuel starvation, accomplish the following unless already accomplished:

(a) Within the next 10 days after the effective date of this AD accomplish the following:

(1) On airplanes serial numbers 0001 through 0255 inclusive, install a low fuel warning light system which provides a warning when the fuel quantity in the fuselage fuel tank is at or below 12+1 −0 U.S. gallons.

NOTE.—Aerostar Kit Option No. 156-1 provides an acceptable means of complying with this requirement provided the warning level is set at 12+1 −0 U.S. gallons.

(2) On airplanes serial numbers 0256 and subsequent, adjust the existing low fuel warning light system to provide a warning when the fuel quantity in the fuselage fuel tank is at or below 12+1 −0 U.S. gallons.

NOTE.—Aerostar Kit Option No. 157-1 provides an acceptale means of complying with this requirement provided the warning level is set at 12+1 −0 U.S. gallons.

(3) On all airplanes, install Aerostar placard P/N 030100-1, on the cockpit instrument panel in clear view of the pilot and revise the Airplane Flight Manual by incorporating FAA approved Aerostar revision dated November 7, 1977.

(4) On all airplanes:

i. Check the condition of the rubber O-ring seal on each wing fuel filler cap to ensure it is capable of forming a positive seal. Replace the O-ring prior to further flight if deterioration is found.

ii. Check the fuel filler cap receptacle in each wing to ensure that the cap can be tightly sealed. Damaged or deformed receptacles must be replaced prior to further flight.

iii. Check and ensure that the wing fuel filler cap locking tabs provides a positive lock indicating sufficient compression of the O-ring to form a positive seal.

(5) The checks required by Paragraph (a)(4) of this AD may be performed by the pilot.

NOTE.—For the requirements regarding the listing of compliance and method or compliance with this AD in the airplane's permanent maintenance record, See FAR 91.173.

(b) Within the next 30 days after the effective date of this AD, and thereafter at intervals not to exceed one year since the last inspection, accomplish the following on the wing fuel tank filler caps:

NOTE.—Aerostar Service Bulletin 600-77 addresses the subject of fuel cap security.

(1) For airplanes having Shaw Aero filler caps (P/N 431-248), inspect the caps and ensure that the cap locking tab provides a positive lock by measuring the opening pull force at the finger tab with a tension indicator (e.g. "fish scale") aligned approximately 75° from the plane of the cap as follows:

i. Measure the opening pull force on the tab with the cap uninstalled (tab friction force). The tab friction force must not exceed 2 pounds. If the force is greater than 2 pounds, inspect for wear, dirt, corrosion, etc. under tab and clean as necessary to reduce the friction force or replace the cap with a serviceable cap before further flight.

ii. Measure the opening pull force on the tab with the cap installed in the wing receptacle. If the opening pull force is outside the range of 16±3 pounds, before further flight, adjust cap by removing cotter pin, turn adjusting nut (clockwise to increase, counterclockwise to decrease) to achieve required pull force, and install new cotter pin to prevent the nut from loosening during service.

(2) For all airplanes, ensure that each wing tank filler cap forms a positive seal by accomplishing the "Leak and Pressure Testing" procedures specified in Section 4 of the Aerostar Maintenance Manual, or in accordance with the following procedures:

i. Completely fill the wing tanks to the filler neck (capacity) and install filler caps.

ii. Park the aircraft in the sun to produce fuel expansion, lower wing tip below the "wings level" attitude, and observe for evidence of fuel leaking from filler cap area. Repeat this process for the opposite wing.

NOTE.—If the cap is leaking, the leak should become evident within one hour due to fuel expansion and pressure increase within the wing tank. Fuel may leak from the wing overpressure relief valve during these tests. With wing still lowered, carefully release the filler cap and verify that fuel flows out of the filler port. If fuel does not flow out of the filler port, sufficient fuel expansion has not occurred for a valid test, and, the test must be repeated.

(c) Within the next 30 days after the effective date of this AD, accomplish the following:

(1) To reduce the maximum usable fuel quantity limitations for flight planning purposes, install a new placard on the instrument panel in clear view of the pilot that reads as follows:

"TOTAL USABLE FUEL 165.5 U.S. GAL.
FUSELAGE USABLE FUEL 41.5 U.S. GAL.
EACH WING USABLE FUEL 62 U.S. GAL.

(2) To show a reduced maximum usable fuel quantity for each wing tank of 62 U.S. gallons, and to ensure first fueling priority is given to the fuselage tank, replace the placard at each wing tank filler location with a placard that reads as follows:

"100/130 OR 100LL MINIMUM GRADE AVIATION FUEL. DO NOT ADD FUEL TO WING TANKS UNLESS FUSELAGE TANK IS FULL.
EACH WING TOTAL USABLE FUEL 62 U.S. GALLONS. DO NOT INSERT NOZZLE OVER 3 INCHES.

(3) To show a reduced maximum usable fuel quantity in the fuselage tank of 41.5 U.S. gallons, replace the placard at the fuselage tank filler location with a placard that reads as follows:

"100/130 OR 100LL MINIMUM GRADE AVIATION FUEL. FUSELAGE TOTAL USABLE FUEL 41.5 U.S. GALLONS."

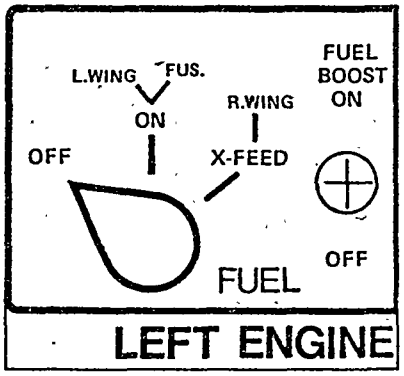
(4) Install a new placard on the cockpit instrument panel in the vicinity of the fuel quantity gage to read as follows:

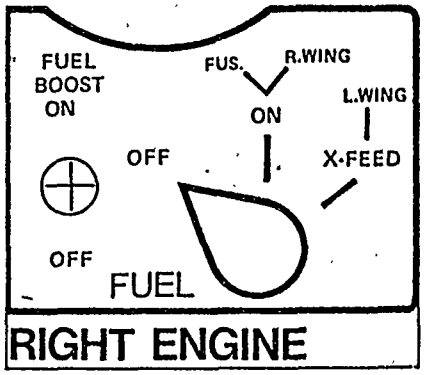
"READ FUEL QUANTITY IN LEVEL FLIGHT ONLY."

(5) Replace the X-feed placard required by Paragraph (a) of AD 77-26-04 with a placard that reads as follows:

"X-FEED LEVEL FLIGHT ONLY.
TAKEOFF PROHIBITED WITH LOW FUEL LIGHT ON.
DOUBLE X-FEED LIMITED TO LEVEL FLIGHT EMERGENCY ONLY."

(6) Revise the markings on the cockpit instrument panel at the right and left engine fuel selector switches as follows:





(7) Revise the Airplane Flight Manuals with Aerostar supplement dated December 5, 1978, or later FAA-approved revisions to incorporate the following changes:

(i) Reduction of airplane total usable fuel capacity to 165.5 gallons.

(ii) Revised fuel system emergency procedures.

(iii) Added fuel system descriptive material.

(iv) Revised airplane refueling procedures.

(v) Added note to caution against use of fuel flow totalizer as a primary fuel quantity instrument.

NOTE.—The placards and Airplane Flight Manual supplements described by Aerostar Service Bulletin 600-79 are acceptable for compliance with Paragraphs (c)(1) through (c)(7). The Airplane Flight Manual supplements are interim revisions that may be replaced by FAA approved revisions that contain the same information, at a later date.

(8) For airplanes which have either a Silverton or Symbolic Display type fuel flow totalizer system installed, which incorporates a pre-set maximum usable fuel quantity memory, adjust the preset quantity to read no more than 165.5 U.S. gallons.

(d) By December 31, 1979, accomplish the following modifications in accordance with a design and procedures approved by the Chief, Aircraft Engineering Division, FAA Western Region:

(1) On or near the centerline of the instrument panel, in clear view of the pilot, install:

i. Three gages that provide a continuous reading of fuel quantities contained in the fuselage tank and in each of the wing tanks; or

ii. A single gage that provides a continuous reading of fuel quantity contained in the fuselage tank and will, upon switch selection by the pilot, provide a reading of fuel quantity contained in each wing tank.

NOTE.—Fuel gage modifications to meet the requirements of paragraph (d)(1) are being developed by Piper Aerostar. Proposed modifications may also be presented by other persons for approval.

(2) Install and test an overpressure relief valve in each wing fuel tank which has a pressure relief setting of 1.2 to 1.5 psi. For airplanes which already have an overpressure relief valve installed, test to ensure pressure relief is provided at 1.2 to 1.5 psi.

NOTE.—Piper Aerostar DWG. 106068 provides an acceptable means of installing overpressure relief valves.

(3) Revise the Airplane Flight Manual and placards in the cockpit as necessary to envisage the modifications approved for compliance with Paragraph (d)(1).

(e) Previous compliance with AD 77-26-04 satisfies compliance with Paragraphs (a)(1) or (a)(2), and (a)(3) of this AD.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(g) Equivalent inspections, modifications, Airplane Flight Manual revisions, placards, and repairs may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This supersedes Amendment 39-3103 (42 FR 64111), AD 77-26-04, as amended by Amendment 39-3135 (43 FR 5506).

This amendment becomes effective February 2, 1979.

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

Issued in Los Angeles, California on December 22, 1978.

LEON C. DAUGHERTY,
Director, FAA Western Region.

[FR Doc. 79-219 Filed 1-3-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-ASW-49]

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

Alteration of Control Zone and Transition Area: Harrison, Ark.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is an alteration of the control zone and transition area at Harrison, Ark. The intended effect of the action is to provide additional controlled airspace for aircraft executing instrument approach procedures to the Boone County Airport. The circumstance which created the need for the action is the scheduled installation of an instrument landing system (ILS) to runway 36 to provide capability for flight under Instrument Flight Rules (IFR) procedures to this runway.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On November 2, 1978, a notice of proposed rule making was published in the FEDERAL REGISTER (43 FR 51026) stating that the Federal Aviation Administration was proposing to alter the Harrison, Ark., control zone and transition area to provide controlled airspace for aircraft executing an instrument landing system (ILS) approach to runway 36 at the Boone County Airport. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Harrison, Ark., control zone and transition area. This action provides controlled airspace for the protection of aircraft executing instrument approach procedures to the Boone County Airport.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administration, Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 355) and (43 FR 440) are amended, effective 0901 GMT, February 22, 1979, as follows:

In Subpart F, § 71.171 (43 FR 355), the Harrison, Ark., control zone is altered by adding the following:

"• • • and within 3 miles each side of the ILS localizer south course extending from the 5-mile radius zone to 8.5 miles south of the LOM (Latitude 36°11'28" N., Longitude 93°09'36" W.)."

In Subpart G, § 71.181 (43 FR 440) the Harrison, Ark., transition area is altered by adding the following:

"• • • and within 4 miles each side of the ILS localizer south course extending from the 12.5-mile radius area to 11.5 miles south of the LOM (Latitude 36°11'28" N., Longitude 93°09'36" W.)."

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

NOTE.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 3, 1978).

Issued in Fort Worth, Tex, on December 19, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 79-215 Filed 1-3-79; 8:45 am]

[4910-13-M]

[Airspace Docket Number 78-CE-27]

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

Alteration of Control Zone and Transition Area at Manhattan, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this amendment is to alter the 700-foot transition area at Manhattan, Kansas, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to Runway 21 at the Manhattan, Kansas Municipal Airport utilizing an existing VOR, a navigational aid. Also, it has been determined that while the Manhattan Control Zone is adequate for the new instrument approach procedure, a control zone extension to the northeast is no longer required due to an instrument approach procedure being cancelled. Therefore, the extension is being removed from the description.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F, Section 71.171 of the Federal Aviation Regulations (14 CFR 71.171) and Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) is to alter the control zone and 700-foot transition area at Manhattan, Kansas. To enhance airport usage, a new instrument approach procedure is being established to Runway 21 at the Manhattan, Kansas Municipal Airport utilizing an existing VOR, a navigational aid. It has also been determined that while the Manhattan Control Zone is adequate for the new instrument approach procedure, a control zone extension to the northeast is no longer required due to an instrument approach procedure being cancelled. Therefore, the extension is being removed from the description. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 53446 and 53447 of the Federal Register dated November 16, 1978, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Manhattan, Kansas. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 3, 1978 (43 FR 355), is amended, effective 0901 GMT, February 22, 1979, by altering the following control zone:

MANHATTAN, KANSAS

Within a five-mile radius of the Manhattan, Kansas, Municipal Airport (latitude 39°08'28"N; longitude 96°40'10"W) and within two miles each side of the Manhattan, Kansas, VOR 146° radial, extending from the five-mile radius zone to 11 miles Southeast of the VOR, and within two miles Northeast and three miles Southwest of the 126° bearing from the McDowell Creek RBN, extending from the five-mile radius zone to 10 miles Southeast of the RBN, excluding the Fort Riley, Kansas, control zone and the portion within R-3602. The control zone shall be effective during the times established by Notice to Airmen and published continuously in the Airman's Information Manual.

Additionally, Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republishd on January 3, 1978, is amended, effective 0901 GMT, February 22, 1979, by altering the following transition area:

MANHATTAN, KANSAS

That airspace extending upward from 700 feet above the surface, within a seven-mile radius of the Manhattan, Kansas, Municipal Airport (latitude 39°08'28"N; longitude 96°40'10"W) and within four miles each side of the Manhattan, Kansas VOR 046° radial extending from the seven-mile radius area to 11 miles Northeast of the VOR, within two miles Northeast and three miles Southwest of the 126° bearing from the McDowell Creek RBN, extending from the RBN to 10 miles Southeast, within six miles South and nine miles North of the Fort Riley VOR 059° radial extending from the VOR to 21 miles Northeast, within two miles each side of the Fort Riley VOR 222° radial extending from the VOR to eight miles Southwest.

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

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

Issued in Kansas City, Missouri, on December 20, 1978.

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

[FR Doc. 79-222 Filed 1-3-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-RM-28]

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

Alteration of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Minot, North Dakota, Grand Forks, North Dakota, Bismarck, North Dakota, and Sioux Falls, South Dakota 1,200' transition areas to provide controlled airspace within delegated approach control boundaries and to allow approach control the flexibility to utilize all available airspace for air traffic control purposes.

EFFECTIVE DATE: 0901 GMT, February 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber/Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On November 16, 1978, the FAA published for comment (43 FR 53446), a proposal to alter the Minot, North Dakota, Grand Forks, North Dakota, Bismarck, North Dakota, and the Sioux Falls, South Dakota 1,200' transition areas. Four letters of no objection were received. The only objection received was from the Experimental Aircraft Association (EAA), Rocky Mountain Chapter 301, contending the following:

a. Flight safety will be adversely affected by encouraging the mixing of IFR and VFR traffic, and pilot vigilance is relaxed while under radar surveillance and control.

b. The proposal would invade and endanger the upper 1,800' of airport traffic areas for approximately 60 private and public use airports which lie within the proposed altered transition areas.

c. The need for a 1,200' floor of controlled airspace at distances in excess of 10 miles from an airport is questionable, as minimum en route altitudes for IFR flight are established to maintain at least 2,500' terrain clearance, and the VFR and IFR cruising altitudes, established by FAR Part 91, provide only 500' separation; there-

fore, a 2,000' controlled airspace floor is recommended rather than the present 1,200' floored controlled airspace.

d. The proposed alteration of the transition areas proposes that IFR traffic in an approach zone should be directed to fly substantially below the minimum en route altitude until ready to descend.

e. The FAA adopt a policy of providing complete separation between VFR and IFR traffic by expanding the available uncontrolled airspace for VFR use and restricting controlled airspace to IFR aircraft only, and establish IFR and VFR approach corridors to all airports with IFR approaches.

In consideration of the objections of Chapter 301 of the Experimental Aircraft Association (EAA), it was disclosed that:

a. The establishment of controlled airspace with its increased meteorological requirements will enhance aviation safety by virtue of enabling the air traffic control system to provide separation and enhance the pilot's responsibility, when meteorological conditions permit, to see and avoid other traffic, terrain or other obstacles, regardless of type of flight plan and whether or not under control of radar facility.

b. Airport traffic areas are established only at airports having a control tower in operation. None of the 60 private and public use airports mentioned have control towers.

c. The Minimum Obstruction Clearance Altitude (MOCA) is 1,000' above the highest obstacle within a horizontal distance of five statute miles from the course to be flown. The 1,200' transition floor is consistent with FAA policy to provide controlled airspace to assure air safety and allow flexibility to utilize all available airspace for air traffic control purposes.

d. The proposal does not propose that IFR traffic be directed to fly substantially below the MEA, but provides controlled airspace for air traffic control flexibility so that aircraft can fly at the MEA's/MOCA's and MVA's.

e. Federal Aviation Regulations provide for controlled airspace to contain certain phases of the approach at airports that have instrument approach procedures with minimums less than VFR. Additionally, it would not be in the best interest of aviation safety to exclude VFR operations from controlled airspace or develop VFR approach corridors.

The Rule

This amendment to subpart G of Part 71 of the Federal Aviation Regulations (FAR's) alters the Minot, North Dakota, Grand Forks, North Dakota, Bismarck, North Dakota, and Sioux Falls, South Dakota 1,200' transition areas. This action is necessary to allow approach control the flexibility to utilize all available delegated airspace for air traffic control purposes.

Drafting Information

The principal authors of this document are Joseph T. Taber/Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective February 23, 1979, as follows:

By amending subpart G, § 71.181 (44 FR 442):

Minot, North Dakota

* * * that airspace extending upward from 1,200 feet above the surface within a 54 mile radius of Minot AFB excluding the area north of latitude 49°00'00" N.

Grand Forks, North Dakota

* * * and that airspace extending upward from 1,200 feet above the surface within a 39 mile radius of Grand Forks AFB, within the State of North Dakota.

Bismarck, North Dakota

* * * that airspace extending upward from 1,200 feet above the surface within a 41 mile radius of the Bismarck VORTAC excluding all Federal airways.

Sioux Falls, South Dakota

* * * and that airspace extending upward from 1,200 feet above the surface within the State of South Dakota bounded on the west by longitude 97°50'00" W., and on the north by latitude 44°30'00" N., excluding all Federal airways.

(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)); and 14 CFR 11.69).

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 Aurora, Colorado on December 21, 1978.

Isaac H. Hoover,
Deputy Director,
Rocky Mountain Region.

[FR Doc. 79-214 Filed 1-3-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-EA-103]

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

Name Change of Blackford VORTAC to Glade Spring VORTAC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the name of the Blackford VORTAC to Glade Spring VORTAC wherever it is used in Part 71 of the Federal Aviation Regulations (14 CFR Part 71). This action eliminates the confusion and potential hazard caused by the similarity of sound and the relative position of this navigation aid with the Bluefield, W. Va., VORTAC.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to change the name Blackford to Glade Spring wherever it is used in defining VOR Federal Airways V-16 and V-35, the Tri-City, Tenn., Transition Area and the STACY reporting point. Confusion in communications and a potential hazard of misdirected operations is hereby eliminated. Because this action merely renames an existing navigation aid without changing its location, the designation of any airspace or its use, it is a minor matter and one in which the public would have no particular interest. Therefore, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123, § 71.181, § 71.203 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307, 440, 631) is amended, effective 0901 GMT, February 22, 1979, as follows:

In § 71.123, under V-16 "Blackford, Va., 246° radials and Blackford;" is deleted and "Glade Spring, Va., 246° radials and Glade Spring;" is substituted therefor.

Under V-35 "Blackford, Va.;" is deleted and "Glade Spring, Va.;" is substituted therefor.

In § 71.181, under Tri-City, Tenn., "Blackford VOR" is deleted and "Glade Spring, Va.," is substituted therefor.

In § 71.203, under STACY "Blackford, Va.," is deleted and "Glade Spring, Va.," is substituted therefor.

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

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

Issued in Washington, D.C., on December 27, 1978.

WRAY R. MCCLUNG,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-223 Filed 1-3-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-EA-110]

PART 73—SPECIAL USE AIRSPACE

Restricted Area User Name Change

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The using agency for the Pendleton, Va., Restricted Area R-6606 has changed its name from "Virginia Capes Operating Area Coordinator" to "Fleet Area Control and Surveillance Facility." This amendment is needed to accurately reflect the name change in the regulation.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 73 is to change the name of the using agency of the Pendleton, Va., restricted area. This change does not alter the airspace or its use. Because this action merely renames the using agency of R-6606 without making any other change, it is a minor matter on which the public would have no particular desire to comment; therefore, notice and public procedure thereon are unnecessary.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 73.66 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 706) is amended, effective 0901 GMT, February 22, 1979, as follows:

Under R-6606 Pendleton, Va., all after "Using agency." is deleted and "Fleet Area Control and Surveillance Facility, VA-CAPES, Virginia Beach, Va." is substituted therefor.

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

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

Issued in Washington, D.C., on December 27, 1978.

WRAY R. MCCLUNG,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-220 Filed 1-3-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-WA-19]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the time of use of the upper portion of Restricted Area R-6501, Underhill, Vt., to more clearly reflect its actual time of use. Also, R-6501 is subdivided herein into R-6501A and R-6501B to clarify the times of use of the two portions of the restricted area. This action will effect more efficient use of joint use restricted area airspace.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

THE RULE

The purpose of this amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to alter the time of use of Restricted Area R-6501, Underhill, Vt. This restricted area is designated from the surface to 13,600 feet MSL and time of use is continuous from Monday through Friday, with other times by NOTAM. Action is taken herein to reflect that only the lower portion below 4,000 feet MSL is used continuously, and that the upper portion from 4,000 feet MSL to 13,600 feet MSL is used intermittently. In order to easily identify the different times of use of the upper and lower portions of the area, the restricted area is divided herein as Subarea A from the surface to 4,000 feet MSL, and as Subarea B from 4,000 feet MSL to 13,600 feet MSL. This amendment effects more efficient use of joint use restricted area airspace by more clearly reflecting its actual time of use. Subpart B of Part 73 of the Federal Aviation Regulations was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 706). Since this amendment reduces the burden on the public by reducing the time of use of special use airspace, notice and public procedure thereon are unnecessary.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 706) is amended, effective 0901 GMT, February 22, 1979, as follows:

R-6501 Underhill, Vt., is rewritten as follows:

Subarea A Boundaries. Beginning at Lat. 44°30'00"N., Long. 72°52'00"W.; to Lat. 44°27'00"N., Long. 72°52'00"W.; to Lat. 44°27'00"N., Long. 72°55'00"W.; to Lat. 44°28'30"N., Long. 72°56'30"W.; to Lat. 44°29'15"N., Long. 72°56'30"W.; to Lat. 44°30'00"N., Long. 72°53'30"W.; to point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Burlington Approach Control.

Using agency. Adjutant General, State of Vermont, Montpelier, Vt.

Subarea B Boundaries. Beginning at Lat. 44°30'00"N., Long. 72°52'00"W.; to Lat. 44°27'00"N., Long. 72°52'00"W.; to Lat. 44°27'00"N., Long. 72°55'00"W.; to Lat. 44°28'30"N., Long. 72°56'30"W.; to Lat. 44°29'15"N., Long. 72°56'30"W.; to Lat. 44°30'00"N., Long. 72°53'30"W.; to point of beginning.

Designated altitudes. 4,000 feet MSL to 13,600 feet MSL.

Time of designation. Intermittent.

Controlling agency. Federal Aviation Administration, Burlington Approach Control.

Using agency. Adjutant General, State of Vermont, Montpelier, Vt.

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

NOTE.—The FAA has determined that this document involves a regulation which is not

significant under the procedures and criteria prescribed by Executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on December 27, 1978.

WRAY R. MCCLUNG,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-221 Filed 1-3-79; 8:45 am]

[7510-01-M]

Title 14—Aeronautics and Space

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1216—ENVIRONMENTAL QUALITY

Subpart 1216.2—Floodplain and Wetlands Management

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This rule provides guidance and detail procedures to NASA Headquarters and field installations for the uniform implementation of Executive Order 11988—Floodplain Management and Executive Order 11990—Protection of Wetlands.

EFFECTIVE DATE: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Norman Willis, Real Estate Management Branch, Facilities Division, National Aeronautics and Space Administration, Washington, D.C. 20546 (202-755-3290).

SUPPLEMENTARY INFORMATION: This final NASA rule adopts to a major degree the Floodplain Management Guidelines for Implementing Executive Order 11988, published by the U.S. Water Resources Council (43 FR 6030). These guidelines provide an explanation of key terms and floodplain management concepts, section-by-section analyses of the Order, and procedures in the form of a decisionmaking process for implementing the Order. On June 9, 1978, we published a proposed rule in the FEDERAL REGISTER (43 FR 25317) soliciting comments until July 10, 1978. Comments were received from the following:

Natural Resources Defense Council, Inc.,
U.S. Water Resources Council.

The comments were generally similar in addressing the need for more specificity and detail in the guidelines and procedures to assure better implementation of the Orders. Inasmuch as the proposed rule did not attempt to prescribe detailed implementing procedures in all cases, we found the comments to be most helpful in finalizing the rule. Broadly stated, the comments similarly addressed the need to—designate an official responsible for ensuring actions are implemented in compliance with the Order; expand definitions of key words and concepts; assure that harm to lives, property and floodplain values is properly minimized; assure that applicants for facilities use permits and grants evaluate the effect of their proposals on floodplains and wetlands prior to NASA approval; assure that proper restrictions are placed on property proposed for lease, easement and disposal to non-Federal public or private parties; define and expand the public audience and ensure their continuous involvement in floodplain decisionmaking; prescribe how alternative sites will be identified and evaluated, and how impacts will be determined. All of these and other minor comments have been incorporated into the final rule. In addition, for the purpose of clarifying the scope of NASA activities in floodplains and wetlands, it should be understood that NASA has only a small number of facilities located in floodplains, and that nearly all of NASA's wetlands, which are primarily needed to meet safety buffer zone requirements, are managed by the U.S. Fish and Wildlife Service.

14 CFR Chapter V is amended by adding a new Part 1216 consisting at this time of Subpart 1216.2, reading as follows:

Subpart 1216.2—Floodplain and Wetlands Management

Sec.
1216.200 Scope.
1216.201 Applicability.
1216.202 Responsibility of NASA officials.
1216.203 Definition of key terms.
1216.204 General implementation requirements.
1216.205 Procedures for evaluating NASA actions impacting floodplains and wetlands.

AUTHORITY: Executive Order 11988 and Executive Order 11990; 42 U.S.C. 2473(c)(1).

Subpart 1216.2—Floodplain and Wetlands Management

§ 1216.200 Scope.

This Subpart 1216.2 prescribes procedures to:

(a) Avoid long- and short-term adverse impacts associated with the occupancy and modification of floodplains and wetlands;

(b) Avoid direct or indirect support of floodplain and wetlands development wherever there is a practicable alternative;

(c) Reduce the risk of flood loss;

(d) Minimize the impact of floods on human health, safety and welfare;

(e) Restore, preserve and protect the natural and beneficial values served by floodplains and wetlands;

(f) Develop an integrated process to involve the public in the floodplain and wetlands management decisionmaking process;

(g) Incorporate the Unified National Program for Flood Plain Management; and,

(h) Establish internal management controls to monitor NASA actions to assure compliance with the Orders.

§ 1216.201 Applicability.

These procedures are applicable to Federal lands and facilities under the management control of NASA Headquarters and field installations regardless of location.

§ 1216.202 Responsibility of NASA officials.

(a) Directors of Field Installations and, as appropriate, the Associate Administrator for Management Operations at NASA Headquarters, are responsible for implementing the requirements and procedures prescribed in §§ 1216.204 and .205.

(b) The Director, Facilities Division, NASA Headquarters, is responsible for overall coordination of floodplain and wetlands management activities, and for conducting periodic on-site reviews of each installation's floodplain and wetlands management activities to assure compliance with the Orders.

§ 1216.203 Definition of key terms.

(a) *Action*—any NASA activity including, but not limited to, acquisition, construction, modification, changes in land use, issuance of facilities use permits, and disposition of Federal lands and facilities.

(b) *Base Flood*—is that flood which has a one percent chance of occurrence in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

(c) *Base Floodplain*—the 100-year floodplain (one percent chance floodplain). Also see definition of floodplain.

(d) *Critical Action*—any activity for which even a slight chance of flooding would be too great, such as storing lunar samples or highly toxic or water reactive materials.

(e) *Facility*—any item made or placed by a person including buildings, structures and utility items, marine structures, bridges and other land development items, such as levees and drainage canals.

(f) *Flood or Flooding*—a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

(g) *Flood Fringe*—that portion of the floodplain outside of the regulatory floodway (often referred to as "floodway fringe").

(h) *Floodplain*—the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year. The base floodplain shall be used to designate the 100-year floodplain (one percent chance floodplain). The critical action floodplain is defined as the 500-year floodplain (0.2 percent chance floodplain). A large portion of NASA coastal floodplains also encompasses wetlands.

(i) *Floodproofing*—the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out or to reduce the effects of water entry.

(j) *Minimize*—to reduce to the smallest possible amount or degree.

(k) *One Percent Chance Flood*—the flood having one chance in 100 of being exceeded in any one-year period (a large flood). The likelihood of exceeding this magnitude increases in a time period longer than one year, e.g., there are two chances in three of a larger flood exceeding the one percent chance flood in a 100-year period.

(l) *Practicable*—capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology.

(m) *Preserve*—to prevent modification to the natural floodplain environment or to maintain it as closely as possible to its natural state.

(n) *Regulatory Floodway*—the area regulated by Federal, State or local requirements; the channel of a river or other watercourse and the adjacent land areas that must be reserved in an open manner; i.e., unconfined or unobstructed either horizontally or vertically to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program (NFIP)).

(o) *Restore*—to re-establish a setting or environment in which the natural functions of the floodplain can again operate.

(p) *Wetlands*—those areas that are frequently inundated by surface or ground water and normally support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, river overflows, mud flats, wet meadows, and natural ponds. Because all NASA wetlands lie in floodplains, and for purposes of simplifying the procedures of this subpart, floodplains will be understood as to encompass wetlands, except in cases where wetlands factors require special consideration. (Also, see definition of floodplain.)

(q) *Support*—actions which encourage or otherwise provide incentives to undertake floodplain or wetlands development, such as extending roads or utilities into or near a floodplain, therefore making floodplain development more feasible.

§ 1216.204 General implementation requirements.

(a) Each NASA field installation shall prepare, if not already available, an installation base floodplain map based on the latest information and advice of the appropriate District Engineer, Corps of Engineers or, as appropriate, the Federal Insurance Administration, Department of Housing and Urban Development. The map shall delineate the limits of both the 100-year and 500-year floodplains. A copy of the map, approved by the Field Installation Director, will be provided to the Director, Facilities Division, NASA Headquarters, by February 28, 1979. The map will conform to the definitions and requirements specified in the Floodplain Management Guidelines for Implementing Executive Order 11988 (43 FR 6030).

(b) For any proposed action or critical action, as defined in § 1216.203(a), using the approved floodplain map, the Field Installation Director, while concurrently seeking to avoid the floodplain, shall determine if the proposed action *will* or *will not* be located in, or may indirectly impact or indirectly support development in, the base (substitute "500-year" for "base" in critical action cases) floodplain and proceed accordingly:

(1) If the action or critical action *will* be located in the base floodplain or may indirectly impact or indirectly support floodplain development, and is not excepted under § 1216.204(h), field installations will adhere to the procedures prescribed in § 1216.205.

(2) If such action or critical action *will not* be located in the base floodplain, or is the type of action that will clearly nor indirectly impact or indirectly support floodplain development, the action may be implemented without further review or coordination, provided all other applicable NASA requirements and policies have been met.

(c) Any request for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, on a case-by-case basis, if the action proposed will be located in a floodplain and whether the proposed action is in accordance with Executive Orders 11988 and 11990.

(d) Each field installation shall: Take floodplain management and wetlands protection into account when formulating its water and land use plans—and when evaluating like plans of others—as an integral part of its facilities master planning activities; Restrict the use of land and water resources appropriate to the degree of flood hazard involved; and, Incorporate recommended Federal and State actions for the continuing unified program for planning and action at all levels of government to reduce the risk of flood losses in accordance with the Unified National Program for Flood Plain Management (U.S. Water Resources Council, 1978).

(1) Descriptive documentation supporting these planning matters shall be included in the "land use" section of each field installation's facilities master plan, as prescribed in NASA Management Instruction 7232.1, Master Planning of NASA Facilities. The evaluation and quantification of flood hazards should be expressed in terms of:

(i) Potential for monetary loss;

(ii) Human safety, health, and welfare;

(iii) Shifting of costs, damage or other adverse impacts to off-site properties; and,

(iv) Potential for affecting the natural and beneficial floodplain values.

(2) NASA shall provide appropriate guidance to applicants for facilities use permits and grants to enable them to similarly evaluate, in accordance with the Orders, the effects of their proposals in floodplains and wetlands. This evaluation will be a precondition of any NASA approval of such permit or grant involving floodplains or wetlands.

(e) Facilities to be located in floodplains will be constructed in accordance with the standards and criteria promulgated under the National Flood Insurance Program (NFIP). Deviations are allowed only to the extent that these standards are inappropriate for NASA operations, research and test activities. Because construction of NASA facilities will rarely be necessary in floodplains and wetlands, expertise in the latest flood proofing measures, standards and criteria will not be normally maintained within the NASA staff. To assure full compliance with the NFIP regulations, and that

the Order's key requirement to minimize harm to or within the floodplain or wetlands is met, field installations will:

(1) Consult with the appropriate local office of the Corps of Engineers or FIA and/or U.S. Fish and Wildlife Service, as applicable, on a regular basis throughout the facility design or action planning phase. Documentation of this consultation will be recorded in the field installation's project file.

(2) Submit evidence of the successful completion of this consultation to the Director, Facilities Division, NASA Headquarters, prior to the start of project construction.

(f) If NASA property used or visited by the general public is located in an identified flood hazard area, the installation shall provide on structures, in this area and other places where appropriate (such as where roads enter the flood hazard area), conspicuous delineation of the 100-year and 500-year flood levels, flood of record, and probable flood height in order to enhance public awareness of flood hazards. In addition, field installations shall review their storm control and disaster plans to assure that adequate provision is made to warn and evacuate the general public as well as employees. These plans will include the integration of adequate warning time into such plans. The results of this review shall be submitted to the Director, Facilities Division, NASA Headquarters, by February 28, 1979.

(g) When property in floodplains is proposed for lease, permit, out-grant, easement, right-of-way, or disposal to non-Federal public or private parties, the field installation shall:

(1) Reference in the conveyance document (prepared by the General Services Administration in disposal actions) those uses that are restricted under identified Federal, State, and local floodplain regulations, such as State coastal management plans.

(2) Except where prohibited by law, attach other appropriate restrictions, equal to the Order's in scope and strictness, to the uses of properties by the grantee or purchaser and any successors which assure that:

(i) Harm to lives, property and floodplain values are identified; and

(ii) Such harm is minimized and floodplain values are restored and preserved.

(3) Withhold such properties from conveyance if the requirements of paragraphs (g)(1) and (2) of this section cannot be met.

(h) The NASA Administrator has determined that certain types of actions taken in coastal floodplains and wetlands typically do not possess the potential to result in long- or short-term adverse impacts associated with the occupancy or modification of floodplains, or result in direct or indirect support of floodplain development. Nevertheless, in undertaking these actions, any opportunities to minimize, restore, and preserve floodplain and wetlands values must be considered and implemented. With this understanding, for the following types of actions, Directors of Field Installations in coastal locations may determine that undertaking such actions does not warrant full application of the procedures prescribed in § 1216.205.

(1) Hazard mitigation actions taken by a field installation on an emergency basis to reduce and control hazards associated with established NASA test or operations activities in accordance with the field installation's approved Safety Plan. Any such action must be approved in writing by the Field Installation's Safety Officer, and the approval document retained in the Safety Office files.

(2) Repair, maintenance or modification to existing roadways, bridges and utility systems in coastal floodplains or wetlands which provide long-term support for major NASA operations and test facilities (usually located out of the base floodplain), provided such repair, maintenance or modification activities are of a routine or emergency nature for which the "no action" alternative is not practicable; and it is ostensibly evident that:

(i) The proposed action would not impact the floodplain or wetlands.

(ii) The only alternative would be to construct new duplicate facilities near the same site with attendant impacts on the floodplain or wetlands area.

(3) Rehabilitation and modification of existing minor technical facilities (such as camera pads, weather towers, repeater buildings), including the repair of such damaged facilities to a condition closely matching the original construction, provided it can be readily determined by Directors of Field Installations that there is no practicable alternative but to continue the activity in its current coastal floodplain site. In such cases, the sitings of such facilities must be rigidly constrained by nationally recognized master planning criteria, such as "line-of-sight, quantity-distance, and acoustic sound-pressure-level" factors. In addition, certification of these determinations by Directors of Field Installations will be retained in the project file.

§ 1216.205 Procedures for evaluating NASA actions impacting floodplains and wetlands.

(a) Before taking any action a determination shall first be made whether the proposed action will occur in or may adversely affect a floodplain or wetlands, using the method prescribed in § 1216.204(b).

(b) These procedures apply only to evaluations of those proposed actions which are to be located in or may adversely impact floodplains. These evaluations shall be made at the earliest practicable stage of advance planning, such as during facilities master plan development or when preparing preliminary engineering reports. These evaluations shall include analyses of harm to lives and property, the natural and beneficial values of floodplains and wetlands, and the cumulative impacts of multiple actions over the long term.

(1) Early public notice is the next step in the evaluation process and will normally be accomplished using only the appropriate State and areawide clearinghouses as identified in Office of Management and Budget (OMB) Circular A-95, and by coordinating with these clearinghouses as prescribed in NASA Management Instruction 8800.9, Coordination of NASA Facilities Planning and Projects. If, however, actions involving land acquisition or a major change in land or water use is proposed, the overall public audience will be as broad as reasonably possible including, but not limited to, adjacent property owners and residents, near-by floodplain residents and local elected officials. To assure their continuous interaction and involvement, the field installation will issue public notices and newsletters, and hold public hearing and/or work shops on a formalized scheduled basis to provide the opportunity for public input and understanding of the proposed action. Regardless of the scope of action proposed, initially a notice will be provided to the appropriate OMB Circular A-95 clearinghouses that will not exceed three pages and will include:

(i) A location map of the proposed action.

(ii) The reasons why the action is proposed to be located in a floodplain.

(iii) A statement indicating whether the action conforms to applicable state and local floodplain protection standards.

(iv) A list of any NASA identified alternatives to be considered.

(v) A statement explaining the timing of public notice review actions to provide opportunities for the public to provide meaningful input.

(2) Working with the appropriate OMB Circular A-95 clearinghouses and, if applicable, other public groups and officials, to identify practicable alternatives in addition to those already identified by NASA. The alternatives will include:

(i) Carrying out the proposed action at a location outside the base floodplain (alternative sites).

(ii) Other means which accomplish the same purpose as the proposed action (alternative actions).

(iii) Taking no action, if the resulting hazards and/or harm to or within the floodplain overbalances the benefits to be provided by the proposed action.

(3) The costs and impacts of all practicable alternatives must now be fully determined to properly assess the practicability of avoiding the base floodplain, or of minimizing harm to the floodplain if alternatives directly or indirectly support floodplain development or have other adverse impacts.

(i) The basic criteria to be used in determining the impacts of the various alternatives appear in the Floodplain Management Guidelines for Implementing Executive Order 11988 (43 FR 6030). These criteria discuss in detail the three basic types of impacts which are to be addressed:

(A) Positive and negative impacts (beneficial and harmful);

(B) Concentrated and dispersed impacts (impacts on-site, near-site, and remote from the installation); and

(C) Short and long-term impacts (include temporary changes and those that take the form of delayed changes resulting from the cumulative effects of many individual actions).

(ii) Also to be determined is the nature of resulting hazards and risk to lives and property; and the restoration and preservation of natural and beneficial floodplain and wetlands values.

(iii) In determining the type, magnitude, costs, timing factors, etc., of the impacts, it is emphasized that subjective assessments have little value. To qualify for inclusion in the evaluation process, an impact must be fully described and quantified in a measurable way compatible with good scientific or engineering practice. Briefly stated, an impact is effected by or based on, and limited to, a quantified alteration of existing coastal or riverine systems including:

(A) Anticipated flood levels, sheet flow, coursing and velocity of flood caused surface water;

(B) Ground water flows and recharge;

(C) Tidal flows;

(D) Topography; and,

(E) Ecology, including water quality, vegetation and the terrestrial and aquatic habitats.

(4) For the proposed action and those alternatives which will impact the floodplain or wetlands, additional analysis must be undertaken to minimize, restore and preserve the natural and beneficial floodplain or wetlands values. Because NASA does not retain expertise in these areas of floodplain management, field installations will consult, on a case-by-case basis, with the appropriate local office of the U.S. Fish and Wildlife Service to assure that, for each of the above alternatives, methods are prescribed which will:

(i) Minimize harm to lives and property from flood hazards;

(ii) Minimize harm to natural and beneficial values of floodplains and wetlands; and

(iii) Restore floodplains or wetlands values, if applicable, to the proposed action.

(5) The proposed action and alternatives shall now be comparatively evaluated taking into account the identified impacts, the steps necessary to minimize these impacts and opportunities to restore and preserve floodplain and wetlands values. The comparison will emphasize floodplain values.

(i) If this evaluation indicates that the proposed action in the base floodplain is still practicable, consider limiting the action so that a non-floodplain site could be more practicable.

(ii) If the proposed action is outside the floodplain but has adverse impacts or supports floodplain development, consider modifying or relocating the action to eliminate or reduce these effects or even taking no action.

(6) If, upon completing the comparative evaluation, the Field Installation Director determines that the only practicable alternative is locating in the base floodplain, a statement of findings and public explanation must be provided to all those who have received the early public notice, and specifically to the appropriate OMB Circular A-95 clearinghouses, and will include as a minimum:

(i) The reasons why the proposed action must be located in the floodplain.

(ii) A statement of all significant facts considered in making the determination including alternative sites and actions.

(iii) A statement indicating whether the actions conform to applicable State and local floodplain protection standards.

(iv) In cases where land acquisition or major changes in land use are involved, it may also be appropriate to include:

(A) A provision for publication in the FEDERAL REGISTER or other appropriate vehicle.

(B) A description of how the activity will be designed or modified to minimize harm to or within the floodplain.

(C) A statement indicating how the action affects natural or beneficial floodplain or wetlands values.

(D) A statement listing other involved agencies and individuals.

(7) After a reasonable period (15 to 30 days) to allow for public response, the proposed action may proceed through the normal NASA approval process, or if disposal is anticipated, the action can be implemented in accordance with Federal Property Management Regulations real property disposal procedures. If, however, significant new information is revealed in comments by the public, the field installation shall re-evaluate the proposed action in accordance with the provisions of paragraph (b)(5) of this section.

(8) For major NASA actions significantly affecting the quality of the human environment, the evaluations required above will be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act.

(9) In accordance with § 1216.202(b), the Director, Facilities Division, NASA Headquarters, will conduct periodic on-site reviews to assure that the action is carried out in accordance with the stated findings and plans for the proposed action, in compliance with the Orders.

ROBERT A. FROSCH,
Administrator.

[FR Doc. 79-327 Filed 1-3-79; 8:45 am]

[3510-25-N]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

SIMPLIFICATION OF SERVICING PROCEDURES [1]

Final Rule

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: Exporters who have shipped commodities to the USSR, Eastern Europe and the People's Republic of China after receiving approval from the Office of Export Administration (OEA) often have occasion to service these commodities, frequently on an emergency basis. In many instances, specific approval from OEA is required before the parts necessary for these servicing operations may be exported or reexported to these destinations or before equipment which is brought out of the above destinations for repair is returned to such destination.

This revision simplifies the OEA Regulations pertaining to servicing by permitting certain exports to be made

[1] The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

under general license and by permitting certain exports and reexports to be made under the provisions of a Service Supply license.

This revision also establishes a procedure for submitting an individual application to export such parts for servicing when neither the general license nor the Service Supply license procedure can be used for that purpose.

EFFECTIVE DATE: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The *Export Administration Regulations* contain a General License, *GLR*, that authorizes certain commodities sent to the United States for servicing to be returned to their owners in Country Groups T and V [2] without the need to apply for a validated export license. The general license also authorizes the export to Country Groups T and V, under certain conditions, of parts or equipment to replace defective or otherwise unusable parts or equipment that were originally shipped under a validated export license or reexport authorization.

This revision extends the scope of General License *GLR* to cover shipments to Country Groups Q, W, and Y [2] provided certain conditions are met. Among the conditions imposed on such transactions are that exports be reported promptly to the Office of Export Administration and a report be filed on the destruction or return of the defective or otherwise unusable part or equipment. The present requirement that an extra copy of the Shipper's Export Declaration covering a shipment under General License *GLR* to a destination in Country Group T or V is revoked. However, a copy of each Shipper's Export Declaration covering a shipment under General License *GLR* to a destination in Country Group Q, W, or Y must be submitted to the Office of Export Administration.

The Regulations are also revised to establish conditions under which exporters and foreign service facilities which have been authorized by the Office of Export Administration (OEA) to operate under the Service Supply procedure may be granted permission to export or reexport to Country Groups Q, W, and Y parts identified on the Commodity Control List by the symbol "A" where they are to be exported or reexported for the purpose of servicing commodities also identified by the symbol "A" and previously exported to these destinations under a validated license or reexport authorization. Currently, OEA must grant a specific waiver of the Regulations before the export or reexport of such parts can be made to Country Groups Q, W, and Y.

The present value restriction of $6,600 per shipment to which the procedures apply is increased to $8,000. In addition, conditions are established under which those foreign service facilities that are under the effective control of a U.S. exporter may service U.S. equipment sent to them from Country Group Q, W, or Y and return the serviced equipment to the country from which it was sent without specific authorization from OEA. Lastly, the Service Supply procedure is revised to permit reexports between service facilities of a U.S. exporter that have been approved under this procedure.

While these revisions of General License *GLR* and the Service Supply procedure will greatly facilitate servicing of commodities previously approved for export or reexport to Country Groups Q, W, and Y, there will be certain situations not qualifying under the revised procedures where individual export license applications or reexport requests will have to be filed with the OEA. In order to simplify the procedure for filing such applications or requests and to assure, to the extent possible, that exporters and reexporters are aware of limitations of the OEA approval prior to filing their applications or requests, the Regulations are revised to set forth these limitations and to specify the information peculiar to these transactions that should be submitted with the application.

Simplification and clarification of the *Export Administration Regulations* pertaining to the servicing of U.S. equipment previously exported or reexported to Country Group Q, W, or Y has been discussed at meetings of the Subcommittee on Export Administration of the President's Export Council, the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee, and the Computer Systems Technical Advisory Committee itself. The advice obtained has been utilized in preparing these revisions. In addition, the principal U.S. Government Departments and Agencies that provide advice to the Department of Commerce pursuant to section 5(a) of the Export Administration Act of 1969, as amended, have been consulted and their concurrence in these revisions obtained.

Accordingly, the *Export Administration Regulations* (15 CFR Part 368 *et seq.*) are amended as follows:

PART 371—GENERAL LICENSES

1. Section 371.17(a) is amended to read as follows:

§ 371.17 General License GLR; Return or replacement of certain commodities.

* * * * *

(a) *Commodities sent to the United States for Servicing*—(1) *Definition.* As used in this § 371.17, "servicing" means inspection, testing, calibration or repair, including overhaul and reconditioning.

(2) *Commodities Imported from Country Group T or V.* (i) Any commodity sent to the United States from Country Group T or V for servicing may be exported under this general license to the country from which it was sent, provided the following conditions are met:

(A) The use of this general license is not precluded by the general prohibitions that apply to all general licenses as listed in § 371.2(c), and

(B) The commodity being serviced is not one that has been disposed of by U.S. Government agencies under foreign excess property disposal programs.

(ii) When the serviced commodity is exported, it may include any replacement or rebuilt parts necessary to its repair and may be accompanied by any spare part, tool, accessory, or other item sent to the United States for use in connection with the servicing.

(3) *Commodities Imported from Country Group Q, W, or Y.* (i) Any U.S.-origin commodity previously exported from the United States to a consignee in Country Group Q, W, or Y under a validated export license or authorized by the Office of Export Administration to be reexported to a consignee in Country Group Q, W, or Y, that is returned to the United States for servicing may be exported under this general license to the country from which it was sent, provided the following conditions are met:

(A) The U.S. exporter making the shipment under this general license is the same person or firm to whom the original validated export license or reexport authorization was issued;

(B) The servicing shall not have improved or changed the basic characteristics, *e.g.*, as to accuracy, capability, performance, or productivity of the commodity as originally authorized for export or reexport;

(C) The end-use and the end-user of the serviced commodity and other particulars of the transaction, as set forth in the application and supporting documentation that formed the basis for

[2] Countries included in the various Country Groups are listed in Supplement No. 1 to Part 370 of the *Export Administration Regulations.*

issuance of the validated export license or reexport authorization, shall not have changed;

(D) The use of this general license is not precluded by the prohibitions that apply to all general licenses as listed in § 371.2(c); and

(E) The commodity being serviced is not one that has been disposed of by U.S. Government Agencies under foreign excess property disposal programs.

(ii) When the serviced commodity is exported, it may include any replacement or rebuilt parts necessary to its repair and may be accompanied by any spare part, tool, accessory, or other item sent to the United States for use in connection with the servicing.

(4) *Reporting Requirement.* The U.S. exporter servicing U.S.-origin commodities imported from Country Group Q, W, or Y shall report each export of such serviced commodity to the Office of Export Administration, Room 1617M, Department of Commerce, Washington, D.C. 20230. The report must be submitted within two weeks of exportation. It shall be by letter and shall include:

(i) A description of the commodity;

(ii) The nature of the servicing;

(iii) The name and address of the consignee; and

(iv) The license number of the validated export license or reexport authorization that authorized the original export or reexport of the commodity to the consignee.

NOTE.—See § 373.7 for provisions relating to the servicing by foreign-based service facilities of commodities previously exported from the United States.

* * * * *

(F) *Replacements for defective U.S.-origin parts or equipment.* Subject to the following General and Special Conditions, any commodity may be exported under the provisions of this general license to replace a defective or otherwise unusable (*e.g.,* erroneously supplied) U.S.-origin commodity except that no commodity shall be exported to a destination in Country Groups S or Z or to any other destination to replace a defective or otherwise unusable part or equipment owned or controlled by, or leased or chartered to, a country in Country Group S or Z, or a national of such country.

(1) *General conditions.* (i) No commodity shall be exported to replace any part or equipment that is worn out from normal use, nor may any commodity be exported to be held in stock abroad as spare parts or equipment for future use; except that if a stock of parts has previously been exported under a validated license expressly for use as spare parts, any such parts found to be defective or otherwise unusable may be replaced under the provisions of General License *GLR* even though they may be intended ultimately as replacements for parts worn out in normal use; [3]

(ii) The replacement commodity shall not have improved the basic characteristics, e.g., as to accuracy, capability, performance, or productivity, of the commodity as originally approved for export from the United States under a validated export license or for reexport from a third country under an authorization issued by the Office of Export Administration;

(iii) The commodity to be replaced shall have been previously exported in its present form under a validated export license or reexported from a third country under authorization granted by the Office of Export Administration or as a component of a commodity that was exported under a validated export license or reexported under an Office of Export Administration authorization;

(iv) No replacement part or equipment may be exported under this general license if the replacement is to be incorporated into or used in nuclear weapons, nuclear explosive devices, nuclear testing, the chemical processing of irradiated special nuclear or source material, the production of heavy water, the separation of isotopes of source and special nuclear materials, or the fabrication of nuclear reactor fuel containing plutonium, as described in §§ 378.2 and 378.3; and

(v) No replacement of any defective or otherwise unusable part or equipment shall be exported under this general license if the replacement is to be incorporated into or used in any electronic, mechanical, or other device, as described in § 376.13(a), primarily useful for surreptitious interception of wire or oral communications. (2) Special Conditions applicable to exports to Country Groups T and V. In addition to the General Conditions set forth in subparagraph (1) of this paragraph, the following apply to exports under this general license to a destination in Country Group T or V.

(i) The commodity to be replaced shall either be destroyed abroad or returned to the United States or to a foreign firm that is under the effective control of the U.S. exporter that is providing the replacement part or equipment prior to, or promptly after, the replacement commodity is exported from the United States;

(ii) The defective or otherwise unusable commodity shall be replaced free of charge, except for transportation and labor charges;

(iii) Any export made under this § 371.17(f)(2) shall be cleared in accordance with Part 386, except that the exporter or his duly authorized agent shall place the following certification, substituting the appropriate parenthetical phrases, if applicable, on the Shipper's Export Declaration:

I(We) certify that the commodity(ies) described on this Declaration is(are) being exported under the provisions of General License *GLR* to replace a defective or otherwise unusable U.S.-origin part or equipment previously (exported from the United States under validated export license number ——) (reexported from (*name of country*) under OEA Authorization No.——). I(We) further certify that the defective or otherwise unusable part or equipment [(has been) (shall be promptly) returned to the United States]; [(has been) (shall be promptly) returned to (name of foreign firm)]; [(has been) (will be) destroyed abroad].

(3) Special Conditions applicable to exports to Country Groups Q, W, and Y. In addition to the General Conditions set forth in subparagraph (1) of this paragraph, the following apply to exports under this general license to a destination in Country Group Q, W, or Y.

(i) The commodity to be replaced shall be either destroyed or returned to the United States or to a foreign firm in Country Group T or V that is under the effective control of the U.S. exporter that is providing the replacement part or equipment. The destruction or return shall be effected prior to, or promptly after, the replacement is exported from the United States;

(ii) The defective or otherwise unusable commodity shall be replaced free of charge, except for transportation and labor charges, within the warranty period or within 12 months of its delivery to the ultimate consignee in the country of destination, whichever is shorter;

(iii) Any export made under this § 371.17(f) shall be cleared in accordance with Part 386, except that the exporter of his duly authorized agent shall place the following certification, substituting the appropriate parenthetical phrases, if applicable, on the Shipper's Export Declaration:

I(We) certify that the commodity(ies) described on this Declaration is (are) being exported under the provisions of General License *GLR* to replace a defective or otherwise unusable U.S.-origin part or equipment previously (exported from the United States under validated export license number ——) (reexported from (*name of country*) under OEA Authorization No. ——). I(We) further certify that the defective or otherwise unusable part or equipment [(has been) (shall be promptly) returned to the United States)]; [(has been) (shall be promptly) returned to (name of foreign firm)]; [(has been) (will be) destroyed abroad].

(iv) A copy of each Shipper's Export Declaration covering an export under the provisions of this § 371.17(f) to a destination in Country Group Q, W, or Y shall be sent to the Office of Export

[3] The Service Supply (SL) procedure (§ 373.7) provides a licensing procedure for the prompt servicing of equipment abroad.

Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, at the same time copies are presented to the carrier as required by the provisions of Part 386.

(v) The exporter shall file a report on destruction or proof of return to the United States or to the foreign firm named in the certification on the Shipper's Export Declaration within two weeks of clearance of the replacement commodity through Customs. The reports shall be by letter addressed to the Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, and shall cite the validated export license number under which the defective or otherwise unusable part or equipment had been exported. If the commodity has not yet been destroyed or returned, the report should so state and give an estimated date of destruction or return. A follow-on report by letter shall be submitted promptly upon the destruction or return of the commodity.

* * * * *

PART 373—SPECIAL LICENSING PROCEDURES

2. Section 373.7 is revised to read as follows:

§ 373.7 Service Supply (SL) Procedure.

A Service Supply (SL) Procedure is established to enable persons or firms in the United States or abroad to provide prompt service for equipment exported from the United States, produced abroad by a subsidiary, affiliate, or branch of a U.S. firm, or produced abroad by a manufacturer who uses parts imported from the United States in the manufactured product. The initial license or other authorization will be for a period of one year. This license or authorization may be extended for a period of up to two years. If the activities for which the license or other authorization was issued continue to meet the Service Supply (SL) Procedure requirements after the three-year period, a complete new application shall be submitted. This license or other authorization may be valid for a period of up to two years, and may be extended for an additional period of up to two years.

(a) *Definitions and Interpretations.* Terms used in this § 373.7 (and in related forms) are defined or interpreted in §§ 373.7(a) (1) through (8) below:

(1) *Service and servicing.* The terms "service" and "servicing" refer to normal and usual activities to maintain equipment in proper, efficient, and safe operating condition, or to restore equipment to this condition;

(2) *Service facility.* The term "service facility" refers to a person or firm that has as its function, or as one of its functions, the servicing of equipment;

(3) *Equipment.* The term "equipment" includes, but is not restricted to, instruments, machines, aircraft, vehicles, and apparatus.

(4) *U.S. equipment.* The term "U.S. equipment" refers to equipment (i) exported from the United States, or (ii) manufactured or produced abroad by a U.S. subsidiary;

(5) *U.S. subsidiary.* The term "U.S. subsidiary" means a foreign-based subsidiary, affiliate, or branch of a U.S. person or firm under the full and active control of such U.S. person or firm;

(6) *Effective control.* The term "effective control" means the exercise of a right, under a contractual agreement between the U.S. exporter and the consignee, to determine and control the reexport of parts exported from the United States;

(7) *Replacement parts.* The term "replacement parts" means parts needed for the immediate repair of equipment, including replacement of defective parts. (It does not include test instruments or operating supplies.) Commodities that improve or change the basic design characteristics; e.g., as to accuracy, capability, or productivity, of the equipment upon which they are installed, are not deemed to be replacement parts within the meaning of the Service Supply (*SL*) Procedure;

(8) *Spare parts.* The term "spare parts" refers to parts in the kinds and quantities normally and customarily kept on hand in the event they are needed to assure prompt repair of equipment. (It does not include test instruments and operating supplies.) Commodities that improve or change the basic design characteristics, e.g., as to accuracy, capability, or productivity, of the equipment upon which they are installed, are not deemed to be spare parts within the meaning of the Service Supply (*SL*) Procedure.

(b) *Commodities Subject to Procedure.* Any commodity for which a validated export license is required may be exported or reexported under the provisions of this § 373.7 except:

(1) Parts to service commodities related to nuclear weapons, nuclear explosive devices, nuclear testing, the chemical processing of irradiated special nuclear or source material, the production of heavy water, the separation of isotopes of source and special nuclear material, or the fabrication of nuclear reactor fuel containing plutonium, as described in §§ 378.2 and 378.3;

(2) Parts to service arms, ammunition or implements of war referred to in Supplement No. 2 to Part 370;

(3) Parts to service commodities subject to Atomic Energy Act referred to in § 370.10(e);

(4) Parts to service commodities[4] listed in Supplement No. 1 to this Part 373;

(5) Commodities listed in Supplement No. 1 to this Part 373;

(6) Parts to service any equipment owned, controlled or used by or for a military or police entity in the Republic of South Africa or Namibia.

(c) *Destinations*—(1) *Country Groups S and Z.* No export or reexport may be made, directly or indirectly, under the provisions of § 373.7 to Country Groups S and Z. Furthermore, no equipment owned or controlled by, or under lease or charter to, a country in Country Groups S or Z or a national of such country may be serviced under provisions of this *SL* Procedure.

(2) *Country Groups Q, W, and Y.* Export and reexport to Country Groups Q, W, and Y may be made only in accordance with the provisions of § 373.7(i). Except as provided in § 373.7(i), no equipment owned or controlled by, or under lease or charter to, a country in Country Groups Q, W, and Y or a national of such country may be serviced under the provisions of this *SL* Procedure.

(d) *Types of Service Supply Authorizations.* Three types of export or reexport authorizations are obtainable under the provisions of this § 373.7.

(1) *Exports from the United States.* A U.S. person or firm may obtain a license, valid for twelve months, to export spare and replacement parts to consignees in Country Groups T or V for purposes of servicing U.S. equipment unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see § 373.7(h)(3)). Under certain conditions, replacement parts (but not spare parts) may also be exported to Country Groups Q, W, and Y, subject to the provisions set forth in § 373.7(i).

(i) *Qualification requirements.* To qualify for a Service Supply (*SL*) License authorizing exports from the United States, all of the following requirements must be met:

(*a*) The applicant must be either (*1*) the U.S. person or firm that manufactured or exported the equipment to be serviced abroad, or (*2*) the U.S. firm whose foreign subsidiary manufactured the equipment to be serviced;

(*b*) The supplying of spare and replacement parts must be a normal function of the applicant's business; and

[4] Except that parts may be exported under the provisions of this § 373.7 to service vibration testing equipment identified in Supplement No. 1 to Part 373 under Export Control Commodity No. 1362 and all commodities identified in Supplement No. 1 to Part 373 under Export Control Commodity Nos. 1460 and 4460.

(c) The export must be made for purposes of servicing U.S. equipment in the possession of the consignee.

(ii) *Applications.* The applicant shall submit the following documents, satisfactorily completed:

(a) [*Reserved*]

(b) Application for Export License, Form DIB-622P;

(c) Form ITA-6026P, Service Supply (*SL*) License Statement by U.S. Exporter; and

(d) Comprehensive narrative statement by the exporter.

(e) The certification required by § 373.1(a)(2)(i), if applicable.

(iii) *Documents waived.* An application for an *SL* License need not be supported by the Import Certificate or Consignee/Purchaser Statement otherwise required under §§ 375.1 or 375.2. A Swiss Blue Import Certificate or a Yugoslav End-Use Certificate is required, when applicable. (See § 373.7(e) below.)

(iv) *Preparation of documents.* The documents listed in paragraph (d)(1)(ii) of this section shall be prepared as follows:

(a) [*Reserved*]

(b) *Form DIB-622P.* The applicant shall prepare and submit Form DIB-622P, Application for Export License, in accordance with the provisions of § 372.4(a)(4), with the following specific modifications:

(*1*) The words "Service Supply License" and the date shall be entered in the "Date of Application" space.

(*2*) The word "various" shall be entered in the "Ultimate Consignee" space.

(*3*) A duplicate list of countries of ultimate destination shall be prepared in alphabetical order, and the words "See Attached List" shall be entered in the "Ultimate Destination" space.

(*4*) An estimated one year's supply of spare and replacement parts shall be entered in the "Commodity Description" space. All commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1) shall be either listed separately on the application or on an attachment, or, if feasible, described in related "A" product groups. Examples of acceptable "A" product groups are "Semi-conductors, A type;" "Aircraft engines, A type;" etc.

(*5*) All commodities not identified by the code letter "A" having Export Control Commodity Numbers with the same Processing Code may be combined into a single entry. The commodity description for each such entry shall be in terms of broad descriptive categories corresponding with the Commodity Groups and subheadings that appear on the Commodity Control List (see § 399.1(j)).

(*6*) The estimated total value of each commodity with the code letter "A" following the Export Control Commodity Number or related "A" product group, and of each "non-A" product group to be exported during the one-year validity period of the *SL* License shall be shown in the "Total Selling Price" space and a grand total shall be computed for all of the commodities.

(*7*) The following statement shall be entered at the bottom of the "Commodity Description" space:

"No commodity excluded from the *SL* Procedure under the Export Administration Regulations will be exported to any consignee in any destination under this *SL* License if this application is approved."

(*8*) The spaces titled "Export Control Commodity No. and Processing Code," "Unit Price," and "Quantity to Be Shipped" shall be left blank.

(c) *Form ITA-6026P.* Three copies of Form ITA-6026P shall be manually signed by the applicant or by a responsible official of the applicant who is authorized to bind the applicant to all of the terms, undertakings, and commitments set forth on the form.

(d) *Comprehensive narrative statement.* A comprehensive narrative statement shall be submitted by the applicant in support of his application for an *SL* License. This statement shall set forth the scope of the applicant's servicing activities pertinent to the application and shall include, for each entry listed on the application, the volume of exports for servicing made during the preceding year. If this volume has to be estimated, the basis upon which the estimate was compiled shall be explained.

NOTE.—The preparation of an application for an *SL* License involves a substantial amount of work. Therefore, a prospective applicant may wish to consult the Office of Export Administration to obtain a preliminary determination of the applicability of the *SL* Procedure to his transaction and as to any special information that may be required.

(2) *Reexport authorization by Foreign-based service facility.*—(i) *Country Groups T and V.* A service facility located in Country Group T or V may be authorized to use and to reexport spare and replacement parts to consignees in any other destination in Country Group T or V to service U.S. equipment, unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see § 373.7(h)(3)). If the service facility is approved, reexports are authorized in accordance therewith regardless of any restrictions imposed on reexports under the terms of the other licensing procedures. The service facility may also be authorized to service U.S. equipment in the country where the facility is located and return the serviced equipment to the country from which it was sent within Country Group T or V. In addition, a service facility may be authorized to reexport to any of its U.S exporter's other service facilities approved under the Service Supply procedure.

(ii) *Country Groups Q, W, and Y.* A service facility located in Country Group T or V that is under the effective control of the U.S. exporter may be authorized to reexport, upon specific instructions of the U.S. exporter, replacement parts for immediate repair of U.S. equipment in Country Group Q, W, or Y, subject to the provisions of § 373.7(i). The service facility may also be authorized to service U.S. equipment in the country where the facility is located and return the serviced equipment to the country from which it was sent, subject to the following conditions:

(a) The service facility must have no knowledge or reason to believe that the equipment to be serviced was exported or reexported to the Country Group Q, W, or Y destination without the authorization of the U.S. Government;

(b) The equipment to be serviced must have been originally exported from the United States or obtained from a U.S. subsidiary;

(c) The servicing shall not improve the basic characteristics, *e.g.*, as to accuracy, capability, performance, or productivity, of the equipment as originally approved for export or reexport to the consignee in Country Group Q, W, or Y that is requesting the servicing; and

(d) The recordkeeping and reporting requirements of §§ 373.7(j) and 373.7(k) shall be complied with.

(iii) *Qualification requirements.* To qualify to receive reexport or servicing authorization under the SL Procedure, a foreign person or firm must have been designated as a service facility by the U.S. manufacturer or by the U.S. exporter of the U.S. equipment to be serviced, and servicing such equipment must be a normal function of the designated facility.

(iv) *Application.* The service facility shall submit to the Office of Export Administration (Room 1617M), U.S. Department of Commerce, Washington, D.C. 20230, a letter requesting authorization to use and reexport spare and replacement parts under the SL Procedure. This letter shall be accompanied by three completed copies of Form ITA-6052, Statement by Foreign Consignee in Support of Special License Application, and by a comprehensive narrative statement by the operator of the service facility prepared in accordance with the following instructions:

(a) The statement shall identify the U.S. manufacturer(s) or U.S. exporter(s) that has (have) designated the facility to be its service facility and shall indicate the period for which the designation shall remain in effect.

(b) If the service facility is under the effective control of the U.S. person or firm, the statement shall so indicate.

(c) The statement shall describe in detail the services performed by the service facility, as indicated on Form ITA-6052.

(3) *Reexports by foreign manufacturer.* A manufacturer located in Country Group T or V who incorporates parts exported from the United States into a product may be authorized to reexport to consignees in Country Group T or V such U.S.-origin parts as spare or replacement parts for servicing the manufactured products in the consignee's possession, unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see § 373.7(h)(3)).

(i) *Qualification requirements.* To qualify to receive reexport authorization under the *SL* Procedure, a foreign manufacturer must use parts exported from the United States in the manufactured equipment to be serviced, and the parts to be reexported for purposes of servicing such equipment must be of the same type as the components they are to replace.

(ii) *Application.* Each application for reexport by a foreign manufacturer shall include the documents specified in (a) and (b) below, and, if applicable, the certification required by § 373.1(a)(2)(i):

(a) A letter from the manufacturer requesting permission to reexport under the Service Supply License Procedure parts imported from the United States to replace such parts incorporated into a product manufactured by the applicant;

(b) Form ITA-6052, identifying the manufactured products containing parts exported from the United States and the countries to which these products are exported.

(e) *Exports and Reexports to Switzerland or Yugoslavia.* For an export or reexport of spare and replacement parts to service equipment located in Switzerland or Yugoslavia, the U.S. exporter or his approved service facility, or the authorized foreign manufacturer, must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the parts to be shipped. Exporters shall forward these documents to the Office of Export Administration in accordance with the provisions of § 373.7(k) below. Approved Form ITA-6052 holders (i.e., foreign service facilities and manufacturers) shall forward, on a monthly basis, the originals of these documents (or reproduced copies if the originals are required by the government of the country in which the Form ITA-6052 holder is located) directly to the Office of Export Administration (Room 1617M), U.S. Department of Commerce, Washington, D.C. 20230. A letter of transmittal showing the *SL* License number of the approved Form ITA-6052 shall accompany the documents.

(f) *Action by Office of Export Administration on License Applications*—(1) *Approved license applications.* When an application for an *SL* License is approved, Form DIB-628, Export License, will be issued authorizing, subject to the provisions of the Export Administration Regulations and to the terms and provisions of the license, the export of commodities covered during a validity period of one year. An approved copy of Form ITA-6026P will also be issued to the exporter. The *SL* License will be similar to a validated license described in § 372.9 with the following exceptions:

(i) *Validation.* The license will be validated in the license number space with a stamp which includes a facsimile of the U.S. Department of Commerce seal, the letter "D", and a series of numbers to indicate the year, month, and day on which the license was validated. An explanation of the coded dates shown on the license is set forth in § 373.2(d)(1)(i).

(ii) *Case Number.* The case number consists of the letter "A" followed by six digits, and is used for initial computerization of the application, and subsequent retrieval.

(iii) *Service Supply License Number.* Immediately below the validation stamp, the *SL* License number assigned to the license will be indicated. This license number will be a four-digit number prefixed by the letter "S."

(iv) *Special conditions.* Special conditions or restrictions may be imposed on the use of an *SL* License in addition to the general conditions or restrictions set forth in the Export Administration Regulations. These conditions or restrictions will be set forth on the license document at the time of issuance, or a separate written notification of these conditions or restrictions will be given to the licensee.

(2) *Applications returned without action.* When an *SL* License application is returned without action by the Office of Export Administration, the application, together with related documents, will be returned to the applicant with Form DIB-651, Advice on Application Returned Without Action. This form will state the reason(s) for return of the license application and will explain the corrections and additional information required if the application is to be resubmitted to the Office of Export Administration for further consideration.

(3) *Applications not approved.* When an application for an *SL* License is not approved by the Office of Export Administration, the applicant will be notified and the notice will explain the reason(s) why the application was not approved. The applicant may apply for an individual or other appropriate type of validated license for transactions covered by the *SL* License application that was not approved.

(g) *Export Clearance*—(1) *License or other approval action.* The license or amendment is not required to be filed with the customs office or postmaster. When exporting by mail, the *SL* License number shall be entered on the address side of the wrapper on the package. Exports by mail shall be made in accordance with the provisions of § 386.1(b).

(2) *Limitation on amount shipped.* Exports under an *SL* License of any commodity or commodity group identified thereon by the code letter "A" are limited for each such entry, during the entire validity period of the license, to the amount shown on the license for that entry. However, exports of an entry not identified by the code letter "A" may exceed the amount shown for that particular entry provided the total amount of all such shipments does not exceed the grand total of the amounts authorized for all of the commodities not identified by the code letter "A" shown on the license.

(3) *Notice to ultimate consignee.* The following notice shall be entered on the commercial invoice covering each shipment under the *SL* License:

These commodities are sent for the authorized repair purposes only and may not be used for any other purpose.

(4) *Shipper's Export Declaration.* As set forth in the standard instructions for preparing Shipper's Export Declarations, the validated license number must be shown on the Declaration. In the case of an *SL* License, the license number is prefixed by the letter "S". (See § 373.7(f)(1)(ii) above.

NOTE.—Although the *SL* License describes the commodities in broad descriptive terms, commodity descriptions on the Declaration shall be specific. The description of a commodity shall (1) conform to the applicable Commodity Control List description, and (2) incorporate any additional information where required by Schedule B; for example, the type, size, or name of the specific commodity.

(h) *Action by Office of Export Administration on Reexports*—(1) *Reexports by foreign-based service facility.* If the Office of Export Administration approves the request of a foreign-based service facility for authorization to reexport parts imported from the

United States under the *SL* Procedure, a validated copy of Form ITA-6052 will be sent to the service facility, via the U.S. Foreign Service. This shall be retained by the service facility as evidence of its authority to reexport spare or replacement parts imported from the United States. However, this authority shall in no way relieve the service facility from its responsibilities to comply with the laws, rules, and regulations of the countries from which the parts are to be reexported, or of any other country having authority over any phase of the transaction. If the service facility's Form ITA-6052 was submitted to the Office of Export Administration through its U.S. parent firm, the validated copy will be sent through the U.S. parent firm, with an extra copy for retention by the U.S. parent firm. The copy of the validated Form ITA-6052 will bear a Facility Number on the bottom right corner of the form. When ordering spare or replacement parts from the United States under the individual validated license procedure, the service facility shall cite this Form ITA-6052 Facility Number instead of submitting the documentation otherwise required to support of a license application (such as an import certificate or a consignee/purchaser statement). Normally, the Office of Export Administration will accept this number instead of documents otherwise required. Unless specifically restricted, an approved Form ITA-6052 authorizes the named service facility to:

(i) Service the types of equipment indicated on the Form ITA-6052 in the country where the facility is located and return the serviced equipment to the country from which it was sent within Country Group T or V; [5] and

(ii) Reexport parts imported from the United States to consignees in Country Group T or V for the purpose of servicing U.S.-origin equipment in the possession of the consignee. If the service facility is under the effective control of the U.S. exporter, it may, upon specific instructions of the exporter, reexport replacement (but not spare) parts to a consignee in Country Group Q, W, or Y, subject to the special provisions set forth in § 373.7(i). [6] The reexport authorizations described in this § 373.7(h)(1)(ii) normally will apply to commodities imported under the provisions of any type of U.S. export license. Except when specifically limited by the Office of Export Administration, reexports under an approved Form ITA-6052 are authorized regardless of any restrictions imposed under the terms of any other licensing procedure. In all cases, reasonable care and diligence must be exercised to prevent shipments of kinds and quantities of parts in excess of that not needed for the authorized service.

(2) *Reexports by foreign manufacturer.* If the Office of Export Administration approves the request of a foreign manufacturer for authorization to reexport U.S. spare or replacement parts, a validated copy of Form ITA-6052 will be sent to the manufacturer, via the U.S. Foreign Service. This shall be retained by him as evidence of his authority to reexport the spare or replacement parts to the countries listed in the form ITA-6052. However, this authority shall in no way relieve the manufacturer from its responsibilities to comply with the laws, rules, and regulations of the country from which the commodity is to be reexported, or of any other country having authority over any phase of the transaction. This reexport authorization normally will apply to commodities imported under the provisions of any type of U.S. export license. Except when specifically limited by the Office of Export Administration, reexports under an approved Form ITA-6052 are authorized regardless of any restrictions imposed under the terms of other licensing procedures. In all cases, reasonable care and diligence must be exercised to prevent shipments of kinds and quantities of parts not needed for the authorized service.

(3) *Table of Denial and Probation Orders.* A U.S. parent firm shall furnish its foreign-based service facility(ies) or foreign manufacturer(s) with current reprints of the "Table of Denial and Probation Orders Currently in Effect" [7] when the validated Form ITA-6052 is forwarded. Thereafter, each addendum to the Table shall also be furnished promptly to each foreign-based service facility or manufacturer. If the foreign-based service facility or manufacturer is not a U.S. subsidiary, the current Table will be sent with the validated Form ITA-6052 by the Office of Export Administration. Thereafter, it will be the responsibility of the facility or manufacturer to obtain each addendum to the Table, either by subscription to the Export Administration Regulations, by written request to the Office of Export Administration, or by other suitable arrangements.

(i) *Special Provisions for Country Groups Q, W, and Y.* An export or reexport may be made to Country Group Q, W, or Y under the provisions of this § 373.7 only if the following conditions and restrictions are complied with:

(1) *Replacement parts only.* The U.S. exporter or a foreign service facility under the U.S. exporter's effective control may export or reexport only replacement parts to a consignee in Country Group Q, W, or Y. Spare parts, as defined in § 373.7(a)(8), may not be exported or reexported to these destinations under the *SL* Procedure.

(2) *Servicing restricted to authorized exports or reexports.* The U.S. exporter or the reexporting service facility must have no knowledge or reason to believe that the equipment to be serviced was exported or reexported to the Country Group Q, W, or Y destination without the authorization of the U.S. Government.

(3) *Servicing of U.S. equipment only.* The shipment must be for the purpose of servicing equipment originally exported from the United States or obtained from a U.S. subsidiary. Further, the shipment may be made in a total quantity no greater, and a quality no better, than that necessary for this purpose.

(4) *Restriction on parts to be exported.* Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List may not be exported or reexported under this procedure to Country Group Q, W, or Y if the value of the parts included in a shipment is more than $8,000.

(5) [Deleted.]

(6) *Records and reports.* Special recordkeeping and reporting requirements for exports and reexports to Country Groups Q, W, and Y must be observed. (See §§ 373.7 (j) and (k) below.)

(j) *Records*—(1) *U.S. exporter.* A U.S. exporter shall prepare records of all exports made under the Service Supply (*SL*) Procedure containing, as a minimum, the information required by § 373.7(k) below. Such records shall be retained for a period of two years.

(2) *Foreign-based service facility or foreign manufacturer.* A foreign-based service facility or a foreign manufacturer shall prepare, and retain for a period of two years, records of all commodities received under the provisions of the Service Supply (*SL*) Procedure, as well as all such commodities it has used or supplied domestically or reexported. All such records shall be made available to U.S. Government officials for inspection, upon request, in accordance with the provisions of § 387.11. As a minimum these records shall show:

(i) The Form ITA-6052 approval number and the full name and address of the individual or firm that supplied the parts, as well as the individual or firm that received, used, or reexported the parts;

[5] If the service facility is under the effective control of the U.S. exporter, it may also return the serviced equipment to Country Groups Q, W, and Y.

[6] Further authorization from the U.S. Treasury Department is not required for reexports to Country Group Q, W, or Y authorized by the Office of Export Administration under the *SL* Procedure.

[7] This table, in Part 388, lists names of all persons or firms currently on probation or denied export privileges.

(ii) A description of the equipment on which the parts were used or for which they were intended;

(iii) A description of the parts, including quantity and value; and

(iv) The date the parts were received, used, supplied, or reexported.

In the event that a foreign governmental regulation or statute prohibits a U.S. Government representative from inspecting these records in the foreign country, the Office of Export Administration may, in substitution, require the submission of specified records, documents, or both.

(k) *Reports.* Each exporter who has been issued an SL License under the provisions of § 373.7(f) (1) shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the SL License. The report shall cite the license number indicated on the export license and shall show, as a minimum for each consignee, a separate aggregate value for each product group shown on his license (*i.e.,* for each commodity identified by the code letter "A" following the Export Control Commodity Number or related "A" product group, and for each "non-A" product group). Where exports are made to service vessels or aircraft, both the country of registry and the country to which the shipment was made shall be listed. Yugoslav End-Use Certificates and Swiss Blue Import Certificates covering exports to these destinations shall be submitted as attachments to the report. If exports of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List have been made to Country Group Q, W, or Y under the SL Procedure, the monthly report shall show each of these shipments separately, the date of each shipment, and shall include the following additional information for each such commodity:

(1) A description of the equipment serviced in Commodity Control List terms;

(2) The quantity or number and the value of such items of equipment serviced; and

(3) The country in which the equipment was serviced.

If the U.S. exporter has authorized his approved foreign-based service facility to reexport such commodities identified by the code letter "A" following the Export Control Commodity Number to Country Group Q, W, or Y, or to service such equipment at its facility and to return the serviced equipment to the destination from which it was received for servicing, a similar monthly report shall be submitted in the same detail as set forth above. In addition, the Office of Export Administration may require additional reports regarding any aspects of exports or reexports under the provisions of this § 373.7. The reports shall be submitted in original only and transmitted to the Office of Export Administation (Room 1617M), U.S. Department of Commerce, Washington, D.C. 20230.

(l) *Exceptions.* In the event that a U.S. exporter is unable to meet any of the requirements of this *SL* Procedure, but believes that unusual circumstances warrant a waiver or an exception to one or more of these requirements, he may consult or write to the Office of Export Administration, explaining the circumstances in full and requesting a waiver or exception.

(m) *Cancellation or Restriction of License or Reexport Authorization.* The Office of Export Administration may find it necessary to revoke, suspend, revise, or restrict a Service Supply License or a reexport authorization granted under the provisions of the *SL* Procedure with or without prior notice.

(n) *Extensions and Amendments of Service Supply Licenses and Reexport Authorizations*—(1) *Extensions.*—(i) *Form to use.* Requests to extend the validity period of an existing Service Supply License shall be submitted on Form DIB-685P, Request for and Notice of Amendment Action, supported by the following certification:

I (We) certify that all the facts and intentions set forth in our previously submitted comprehensive narrative statement remain the same, except (enter the word "none," or specify the changes.)

The extended validity period will be of two-year duration unless a one-year period is specifically requested. For those service facilities that are designated by U.S. exporters, extension of the validity period for two years may also be requested on Form DIB-685P with the appropriate certification attached, as cited above. Foreign manufacturers approved as a service facility may furnish a letter requesting the two-year extension in lieu of Form DIB-685P with appropriate certification attached. In the years when the exporter is not entitled to file the request for extension by amendment, a complete new application must be submitted in accordance with the provisions of § 373.7(d)(1)(ii).

(ii) *When to Apply.* An extension request should be submitted to the Office of Export Administration from 60 to 90 days before the expiration date in order to avoid interruption of shipments under the license.

(2) *Amendments.*—(i) *Form to use.* All requests for amendments shall be submitted on Form DIB-685P in the usual manner (see § 372.11), including those requests to extend the validity period (see § 373.7(n)(1)(i) above).

(ii) *When to Apply.* A person or firm desiring to increase the amount authorized for export under the *SL* Procedure may do so at any time during the validity period of the license.

(iii) *Action by Office of Export Administration.* Each extension request is analyzed by the Office of Export Administration as to the past license activity to determine whether an extension is justified. Prior to asking for an extension the licensee should examine his own records to see if the criteria described in § 373.7(d)(1)(i) were met during the initial validity of the license. If not, the licensee should apply for an individual or other appropriate type of license instead of an extension of the Service Supply License. When action has been taken by the Office of Export Adminstration, this form will be returned to the licensee for retention in his files.

(o) *Effect of Other Provisions.* Insofar as consistent with the provisions of this § 373.7, all of the provisions of the Export Administration Regulations shall apply equally to licenses and reexport authorizations issued under this § 373.7 and to applications for licenses and requests for reexport authorization.

PART 376—SPECIAL COMMODITY POLICIES AND PROCEDURES

3. A new § 376.4 is established as follows:

§ 376.4 Servicing of equipment previously exported or reexported to Country Groups Q, W, and Y.

(a) *Scope.* A procedure is established under which a person or firm may apply for an export license or reexport authorization to export or reexport parts needed to service equipment previously exported or reexported to a destination in Country Group Q, W, or Y under a validated export license or reexport authorization.

(b) *Limitations.* The procedure described in this § 376.4 is limited as follows:

(1) Servicing may only be performed on those instruments or equipment that are specifically identified in the export license application or reexport request.

(2) Parts to be used in servicing are limited to those that are identical to the parts that constituted the instrument or equipment as it was originally licensed for export or reexport.

(3) When a new part is installed in or added to instruments or equipment, the identical replaced part must be removed from such instrument or equipment and destroyed or returned to the licensee or to a foreign-based service facility owned or controlled by the licensee and located in Country Group T or V.

(4) Parts may not be stored in Country Group Q, W, or Y for subsequent servicing. Requests for an exception to this limitation will be considered on a case-by-case basis.

(5) When the export or reexport of service kits, (*i.e.*, kits that include test instruments and/or a supply of replacement parts that might be needed to service the instrument or equipment) is authorized, such kits while in a destination in Country Group Q, W, or Y shall remain under the exclusive possession and control of an authorized Western representative of the person or firm to which the export or reexport authorization was granted.

(6) Servicing is limited to instruments and equipment in the possession of consignees to which the export or reexport of the instruments or equipment had been originally authorized by the Office of Export Administration.

(c) *License Application or Reexport Request.* The following provisions supplement the regular requirements for submitting an export license application or request for reexport authorization (see Parts 372 and 374).

(1) *Ultimate Consignee.* Where shipments are contemplated to be made to more than one ultimate consignee, the phrase "Various—see attached list" shall be entered in Item 3 of Form ITA-622P or Item 5 of Form ITA-699P, as appropriate.

(2) *Country of Ultimate Destination.* Where shipments are contemplated to be made to consignees in more than one country, the phrase "Various—see attached list" shall be entered in Item 5 of Form ITA-622P.

(3) *Quantity and Value.* The quantity and value for each commodity listed on the export license application or request for reexport authorization shall be an estimate of the requirements for up to one year's supply of parts for all the consignees covered by the application or reexport request.

(4) *Supporting Documentation.* The application or reexport request shall be accompanied by a listing of the name and address of each consignee to whom exports are contemplated and, for each such consignee, the commodity or commodities to be serviced by the parts covered by the application or reexport request. Form DIB-629P, Statement by Ultimate Consignee and Purchaser, will not be required to be submitted with the application, although the Office of Export Administration may require such documentation, if in the review of the application or reexport request, it is determined to be necessary.

(5) *Certification.* The following certification shall be entered after the commodity description on Form ITA-622P or ITA-699P:

I(We) certify that the limitations set forth in § 376.4(b) and any other conditions that may be imposed by the Office of Export Administration in approving this application (request for reexport authorization) shall be strictly adhered to and that I(we) shall immediately discontinue exports (or reexports) so authorized and notify the Office of Export Administration in writing where I(we) learn, or have reason to believe, that such limitations or conditions are being, or have been, ignored.

(d) *Reports.* (1) The U.S. exporter to whom a validated export license is issued pursuant to the provisions of this § 376.4 shall prepare and submit, on a monthly basis, a report of all exports made against the license during the preceding month. The report shall include, as a minimum:

(i) The export license number and expiration date;

(ii) A description of the instrument or equipment that was serviced;

(iii) The full name and address of the person or firm on whose premises the instrument or equipment was serviced;

(iv) A description of the part or parts, including the quantity and value, that were used to service the instrument or equipment; and

(v) The date the servicing was performed.

(2) This report shall be in addition to the entries on the reverse side of the export license required by § 386.2(d).

(e) *Records.* (1) The foreign-based service facility named on a reexport authorization issued pursuant to the provisions of this § 376.4 shall maintain a record of each reexport made against the reexport authorization. The record shall include, as a minimum:

(i) The reexport authorization number and expiration date;

(ii) A description of the instrument or equipment that was serviced;

(iii) The full name and address of the person or firm on whose premises the instrument or equipment was serviced;

(iv) A description of the part or parts, including quantity and value, that were used to service the instrument or equipment; and

(v) The date the servicing was performed.

(2) All such records shall be made available to U.S. Government officials for inspection, upon request, in accordance with the provisions of § 387.11. In the event that a foreign government regulation or statute prohibits a U.S. Government representative from inspecting the records in a foreign country, the Office of Export Administration may, in substitution, require the submission of specified records, documents, or both.

(f) *Relationship to foreign laws.* No authorization granted under the provisions of this part shall in any way relieve any person from his responsibility to comply fully with the laws, rules, and regulations of the country from which the commodity is to be reexported or of any other country having authority over any phase of the transaction. Conversely, no foreign law, rule, regulation, or authorization in any way relieves any person from his responsibility to obtain such authorization from the Office of Export Administration as may be required by the *Export Administration Regulations.*

(g) *Effect of other regulations.* Insofar as consistent with the provisions of this Part, all of the other provisions of the *Export Administration Regulations* shall apply.

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

Dated: December 20, 1978.

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

[FR Doc. 78-36483 Filed 12-29-78; 3:43 pm]

[6740-02-M]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. RM79-4]

PART 154—RATE SCHEDULES AND TARIFFS

Amendments to the Commission's Regulations Relating to Independent Producer Filing Requirements

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations relating to blanket affidavit filing requirements for collection of a maximum lawful price under sections 104 and 106(a) of the Natural Gas Policy Act of 1978. The amendments alter the date upon which a rate change filing takes effect, modify the subscription requirements for the blanket affidavit filing, and provide for protests to blanket affidavit filings.

EFFECTIVE DATE: December 28, 1978.

COMMENTS: Written comments by January 31, 1979.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (Reference Docket No. RM79-4).

FOR FURTHER INFORMATION CONTACT:

Romulo L. Diaz, Jr., Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-3771.

Howard Kilchrist, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-4539.

A. Background

On November 17, 1978, the Federal Energy Regulatory Commission (Commission) issued Final Regulations 43 FR 55756, November 29, 1978) amending Parts 154 and 157 of its regulations relating to producer filing requirements. Although the regulations were made effective upon issuance, the Commission solicited written comments by interested parties. The Commission has received four written comments. In response to these comments and the filings it has received pursuant to the amended regulations, the Commission has decided to modify some of the regulations issued on November 17 and to clarify the meaning and effect of others.

Summary of Amendments to the Commission's Final Regulations

Under the regulations as amended November 17, 1978, a producer must file a blanket affidavit with the Commission in order to charge and collect a maximum lawful price and any periodic escalations under sections 104 and 106(a) of the Natural Gas Policy Act of 1978 (NGPA). In response to comments in this regard, the Commission emphasizes that these filing requirements are mandatory but that small producers covered by a blanket certificate under § 157.40(b) of the regulations are exempt from their coverage.

The Commission has received many affidavit filings under the amended regulations which do not comply with the subscription requirements in § 154.94(h)(6). That section requires that the affidavit be subscribed in accordance with § 1.16 of the regulations, except that § 1.16(a)(1)(iv), permitting subscription by an authorized attorney, does not apply. The Commission wishes to adopt requirements relative to signing of affidavits which parallel other signature requirements in its regulations implementing the NGPA. Consequently, § 154.94(h)(6) is being amended to require that the affidavit filing be signed in accordance with signature requirements imposed in § 274.201(c) of the interim regulations, which pertains to filing for determinations to be made by jurisdictional agencies. Many of the filings submitted under § 154.94(h) were signed by a responsible official of the filing party and thus comply with the amended rather than the original requirements. The Commission advises that it will deem acceptable, all affidavits filed in accordance with § 154.94(h)(6) as originally promulgated or as amended. Affidavits subscribed by attorneys comply with neither regulation and are not acceptable.

The Commission believes that this amendment to the signature requirements will eliminate the basis for complaint that the responsibility of diligent inquiry imposed upon the affidavit in the last paragraph of the form affidavit (Appendix A to § 154.94) was overburdensome. In most cases, the affidavit will now be signed by a responsible official of a company, for whom such inquiry should be neither unnecessary nor overburdensome.

The Commission declines to adopt one suggestion that the filing party indicate the amount of taxes and any other adjustments to which each sale listed in the blanket affidavit is subject. The Commission contemplates obtaining such information in the future in some other form such as an annual report. The Commission does not now wish to incorporate that information into a filing the single purpose for which is to fulfill the requirements imposed by the Natural Gas Act (NGA) in order to permit collection under the NGPA of the maximum lawful price and periodic escalations.

The Commission is amending § 154.94(h)(2)(iii) to comply with the thirty days' notice requirement imposed by section 4(d) of the NGA. Thus, absent specification in the filing of a later effective date, a rate change filing to collect a base rate takes effect on the thirty-first rather than the thirtieth day after the date of filing, provided the filing has not been suspended or rejected. Paragraph (1) of the Blanket affidavit, Appendix A to § 154.94, is being amended to reflect the fact that, where the two are not synonymous, the filing party rather than the affiant, is the one entitled to collect the maximum lawful price.

We have provided for a new subparagraph 154.94(h)(7) which states explicitly that the filing of a blanket affidavit does not permit the collection of a maximum lawful price which is not contractually authorized.[1] This is consistent with Section 101(b)(9) of the NGPA, which provides that a maximum lawful price shall not "supersede or nullify the effectiveness of the price established under such contract," and with § 270.101(b) of the Commission's Regulations.

The Commission has added a new subparagraph (h)(8) to § 154.94 which sets forth a protest procedure for the affidavit filings required to be made under § 154.94(h)(1). Under this procedure protests are required to be filed within thirty days of the filing of the affidavit, or, in the case of an affidavit filed before December 30, 1978, on or before January 30, 1979.

The Commission is making these amendments effective upon the date of issuance upon a finding that good cause exists to proceed without compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553. Changes in rate filing requirements and institution of a protest procedure must be immediately effective in order to avoid an unduly disruptive transition from the pricing rules established under the NGA to those prescribed under the NGPA. For this reason, the Commission has found it necessary to make these amendments effective upon issuance of this order.

Written Comment Procedures

Although these amendments are being made effective immediately, interested persons are invited to submit written comments, data, views or arguments with respect to the amendments. An original and 14 copies should be filed with the Secretary of the Commission. All comments received prior to January 31, 1979, will be considered by the Commission, and if appropriate, further revisions will be made. All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours. Comments should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM79-4. Also since these amendments are directly related to the Interim Regulations promulgated pursuant to the NGPA (43 FR 5648), oral presentations of data, views and arguments on these amendments may be made at the public hearings to be held on the Interim Regulations.

(Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*, Department of Energy Organization Act, Pub. L. 95-91, E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 154 of Subchapter E, Chapter I, Title 18, Code of Federal Regulations,

[1] The question of what contractual authorization is required to permit the collection of the maximum lawful prices under section 104 of the NGPA is not addressed herein. The issue of contractual authorization (either existing contractual provisions or amendments to existing contracts) will be addressed by a subsequent Commission order.

is amended as set forth below, effective immediately.

By the Commission.

KENNETH F. PLUMB,
Secretary.

§ 154.94 [Amended].

1. Section 154.94(h)(2)(iii) is amended in the second sentence by striking out "thirtieth" and inserting in lieu thereof the word "thirty-first."

2. Section 154.94(h)(6) is amended by striking out the first sentence and inserting in lieu thereof the sentence, "Any affidavit filed under subparagraph (1) shall be signed in accordance with § 274.201(c) of this chapter."

3. Section 154.94(h) is amended in paragraph (1) of the Blanket Affidavit Filing Under § 154.94(h) at Appendix A, by striking out "he" and inserting in lieu thereof the phrase "the filing party" and by adding new subparagraphs (7) and (8) to read as follows:

* * * * *

(7) *Contractual authorization.* Except in the case of minimum rate gas (as defined in § 271.402(b)(9) of this chapter), neither the filing of a blanket affidavit, nor the acceptance for filing of such an affidavit by the Commission, will affect any person's contractual right to purchase natural gas at a rate which is less than the applicable maximum lawful price under the NGPA.

(8) *Protest procedure.* Any protest to an affidavit required to be filed under this paragraph shall be filed within thirty days of the filing of the affidavit, or, in the case of an affidavit filed before December 30, 1978, on or before January 30, 1979.

[FR Doc. 79-315 Filed 1-3-79; 8:45 am]

[4830-01-M]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7584]

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

Information Reporting Requirements For Bearer Certificates of Deposit

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to information reporting requirements. The regulations enable the Internal Revenue Service to obtain information returns with respect to interest paid on certificates of deposit issued in bearer form. The regulations apply to all persons carrying on the banking business and making interest payments on certificates of deposit issued in bearer form in denominations of less than $100,000.

DATE: The regulations are effective for payments of interest on bearer certificates of deposit made after March 13, 1978. For certificates of deposit issued before the regulations take effect, the identity of the person to whom the certificate was originally issued need not be supplied by the bank, if this information is unknown at the time the information return is made.

FOR FURTHER INFORMATION CONTACT:

Leonard T. Marcinko of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 13, 1978, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 6049 of the Internal Revenue Code of 1954 (43 FR 10411). The amendments were proposed in order to require information returns by banks for interest paid on certificates of deposit issued in bearer form in denominations of less than $100,000. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

EXPLANATION OF PROVISIONS

This Treasury decision makes several minor changes to the rules contained in the notice of proposed rulemaking relating to information reporting requirements for bearer certificates of deposit. Most of the changes made by this document are intended merely to clarify the rules contained in the notice. These final regulations are necessary to enable the Internal Revenue Service to obtain information returns for use in its document matching program with respect to interest paid on certain certificates of deposit issued in bearer form.

The information return required by the proposed rules would have to show the aggregate amount of interest paid with respect to a bearer certificate of deposit and the amount of interest attributable to each calendar year falling within the term of the certificate. Paragraph 1 of the Treasury decision alters this rule by revising the requirement so that the only interest required to be shown on the return (other than the aggregate amount of interest paid) is the amount of interest attributable to the current calendar year. This change reduces the reporting burden on the payor banks without affecting the ability of the Service to utilize the information returns for matching purposes.

Paragraph 1, in response to several comments received on the notice, amends § 1.6049-1(a)(1)(vi) of the proposed regulations to make it clear that an information return is required for any calendar year in which interest is actually paid by a bank on a bearer certificate of deposit, whether payment is made during the term of the certificate or at its redemption. This point is emphasized by the two examples added to § 1.6049-1(a)(1)(vi) of the proposed regulations by this document. The second of these examples also illustrates that the reporting requirements contained in this Treasury decision do not affect the substantive rules governing when interest or original issue discount must be reported by the recipient on his tax return.

A number of comments received with respect to the notice of proposed rulemaking urged that the information reporting requirements be extended to bearer certificates in denominations of $100,000 or more. A well established secondary market exists in which these larger denomination certificates of deposit are frequently negotiated. Information returns with respect to frequently negotiated instruments could be of limited value to the Service in its matching program since the information return would show the full amount of interest payable to the last holder of the instrument, who in many cases would be taxable only on a portion of the interest. For this reason it was decided not to extend the reporting requirements at this time to larger denomination certificates of deposit. However, the Internal Revenue Service is presently considering whether and to what extent reporting on certificates of deposit in amounts over $100,000 would be feasible and useful.

Several comments protested the provision in the proposed regulations that would eliminate the floor of $10 in annual interest with respect to bearer certificates of deposit in denominations under $100,000. The reason for eliminating the interest floor is that such certificates are generally available in denominations as low as $25, and under existing regulations banks are not required to aggregate interest paid to the same taxpayer on different

instruments. Therefore, in order to prevent avoidance of the new reporting requirements by multiple purchases of small denomination certificates, this Treasury decision adopts the position taken in the proposed regulations.

The principal effect of these final regulations is to generate information returns with respect to interest paid on certain bearer certificates of deposit for use in the Internal Revenue Service's document matching program. In addition to detecting those taxpayers who fail to include this interest on their income tax returns, these new reporting requirements should encourage the voluntary inclusion of this interest in income. Evaluation of the effectiveness of these regulations after issuance will be based upon comments received from offices within Treasury and the Internal Revenue Service, other governmental agencies, State and local governments, and the public.

DRAFTING INFORMATION

The principal author of this regulation is Leonard T. Marcinko 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.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the amendments to §§ 1.6049-1, 1.6049-2, and 1.6049-3 in 26 CFR Part 1, published as a notice of proposed rulemaking in the FEDERAL REGISTER on March 13, 1978 (43 F.R. 10411), are hereby adopted as proposed subject to the following changes:

PARAGRAPH 1. Section 1.6049-1(a)(1)(vi), as set forth in paragraph 1 of the notice of proposed rulemaking, is revised to read as follows:

§ 1.6049-1 Returns of information as to interest paid in calendar years after 1962 and original issue discount includible in gross income for calendar years after 1970.

(a) *Requirement of reporting*—(1) *In general.* * * *

(vi) Every person carrying on the banking business who makes payments of interest to another person (whether or not aggregating $10 or more) during a calendar year with respect to a certificate of deposit issued in bearer from (other than such a certificate issued in an amount of $100,000 or more) shall make an information return on Forms 1096 and 1099-BCD for such calendar year. The preceding sentence applies whether such payments are made during the term of the certificate or at its redemption. The information return required by this subdivision for the calendar year shall show the following:

(*a*) The name, address, and taxpayer identification number of the person to whom the interest is paid;

(*b*) The aggregatge amount of interest paid to such person during the calendar year with respect to the certificate of deposit;

(*c*) The name, address, and taxpayer identification number of the person to whom the certificate was originally issued;

(*d*) The portion of the interest with respect to the certificate reported under (*b*) that is attributable to the current calendar year; and

(*e*) Such other information as is required by the form.

The application of this subdivision (vi) may be illustrated by the following examples:

Example (1). On June 1, 1978, X Bank issues a $1,000 bearer certificate of deposit to A. The certificate of deposit is not redeemable until May 31, 1979, and no interest is to be paid on the instrument until its redemption. On September 1, 1978, A transfers the bearer certificate to B and on May 31, 1979, B presents the certificate to X for payment and receives the $1,000 principal amount plus all the accrued interest. Under paragraph (a)(1)(vi) of this section, X is not required to make an information return for 1978 with respect to the bearer certificate of deposit because no interest is actually paid to a holder of the certificate during 1978. X is required to file an information return for 1979 with respect to the certificate, identifying B as the payee of the entire amount of the interest and A as the original purchaser of the certificate. (For rules relating to statements to be made to recipients of interest payments, see § 1.6049-3.)

Example (2). On July 1, 1978, Y Bank issues a $5,000 bearer certificate of deposit to C. The certificate of deposit is not redeemable until June 30, 1981, and no interest is to be paid on the instrument until its redemption. C holds the certificate for the entire term and on June 30, 1981, presents it to Y for payment and receives the $5,000 principal amount plus the accrued interest. Under paragraph (a)(1)(vi) of this section, Y is not required to file an information return for calendar years 1978, 1979, or 1980 with respect to this bearer certificate of deposit because no interest is actually paid to C during those calendar years. Y is required to file an information return for 1981 with respect to the certificate identifying C as the payee of the entire amount of the interest and as the original purchaser. (Although Y is not required to file an information return for interest paid on the certificate until its redemption in 1981, C must report as income on his tax returns for 1978, 1979, 1980, and 1981 the ratable portion of such interest includible in income under section 1232.)

* * * * *

PAR. 2. The last sentence of paragraph (a) of § 1.6049-3, as set forth in paragraph 4 of the notice of proposed rulemaking, is revised by deleting "Form 1099-CD" and inserting in lieu thereof "Form 1099-BCD".

This Treasury decision is issued under the authority contained in sections 6049 and 7805 of the Internal Revenue Code of 1954 (76 Stat. 1056, 26 U.S.C. 6049; 68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: December 21, 1978.

DONALD C. LUBICK,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Paragraph (a)(1) of § 1.6049-1 is amended by inserting immediately after subdivision (v) the following new subdivision:

§ 1.6049-1 Returns of information as to interest paid in calendar years after 1962 and original issue discount includible in gross income for calendar years after 1970.

(a) *Requirement of reporting*—(1) *In general.* * * *

(vi) Every person carrying on the banking business who makes payments of interest to another person (whether or not aggregating $10 or more) during a calendar year with respect to a certificate of deposit issued in bearer form (other than such a certificate issued in an amount of $100,000 or more) shall make an information return on Forms 1096 and 1099-BCD for such calendar year. The preceding sentence applies whether such payments are made during the term of the certificate or at its redemption. The information return required by this subdivision for the calendar year shall show the following:

(*a*) The name, address, and taxpayer identification number of the person to whom the interest is paid;

(*b*) The aggregate amount of interest paid to such person during the calendar year with respect to the certificate of deposit;

(*c*) The name, address, and taxpayer identification number of the person to whom the certificate was originally issued;

(*d*) The portion of the interest with respect to the certificate reported under (*b*) that is attributable to the current calendar year; and

(*e*) Such other information as is required by the form.

The application of this subdivision (vi) may be illustrated by the following examples:

Example (1). On June 1, 1978, X Bank issues a $1,000 bearer certificate of deposit to A. The certificate of deposit is not redeemable until May 31, 1979, and no interest is to be paid on the instrument until its redemption. On September 1, 1978, A transfers the bearer certificate to B and on May 31, 1979, B presents the certificate to X for payment and receives the $1,000 principal

amount plus all the accrued interest. Under paragraph (a)(1)(vi) of this section, X is not required to make an information return for 1978 with respect to the bearer certificate of deposit because no interest is actually paid to a holder of the certificate during 1978. X is required to file an information return for 1979 with respect to the certificate, identifying B as the payee of the entire amount of the interest and A as the original purchaser of the certificate. (For rules relating to statements to be made to recipients of interest payments, see § 1.6049-3.)

Example (2). On July 1, 1978, Y Bank issues a $5,000 bearer certificate of deposit to C. The certificate of deposit is not redeemable until June 30, 1981, and no interest is to be paid on the instrument until its redemption. C holds the certificate for the entire term and on June 30, 1981, presents it to Y for payment and receives the $5,000 principal amount plus the accrued interest. Under paragraph (a)(1)(vi) of this section, Y is not required to file an information return for calendar years 1978, 1979, or 1980 with respect to this bearer certificate of deposit because no interest is actually paid to C during those calendar years. Y is required to file an information return for 1981 with respect to the certificate identifying C as the payee of the entire amount of the interest and as the original purchaser. (Although Y is not required to file an information return for interest paid on the certificate until its redemption in 1981, C must report as income on his tax returns for 1978, 1979, 1980, and 1981 the ratable portion of such interest includible in income under section 1232.)

* * * * *

PAR. 2. Paragraph (a)(2) of § 1.6049-2 is amended to read as follows:

§ 1.6049-2 Interest and original issue discount subject to reporting.

(a) *Interest in general.* * * *

(2) Interest on deposits (except deposits evidenced by negotiable time certificates of deposit issued in an amount of $100,000 or more) paid (or credited) by persons carrying on the banking business. In the case of a certificate of deposit issued in bearer form, the term "interest", as used in the preceding sentence and in paragraph (a)(1)(vi) of § 1.6049-1, has the same meaning as in § 1.61-7 (regardless of whether taxable to the payee in the year the information return is made).

* * * * *

PAR. 3. Paragraph (c)(2) of § 1.6049-2 is amended to read as follows:

§ 1.6049-2 Interest and original issue discount subject to reporting.

* * * * *

(c) *Original issue discount*—(1) *In general.* * * *

(2) *Coordination with interest reporting.* In the case of an obligation issued after May 27, 1969 (other than an obligation issued pursuant to a written commitment which was binding on May 27, 1969, and at all times thereafter), original issue discount which is not subject to the reporting requirements of paragraph (a)(1)(ii) of § 1.6049-1 is interest within the meaning of paragraph (a) of this section. Original issue discount which is subject to the reporting requirements of paragraph (a)(1)(ii) of § 1.6049-1 is not interest within the meaning of paragraph (a) of this section.

* * * * *

§ 1.6049-3 [Amended]

PAR. 4. Paragraph (a) of § 1.6049-3 is amended by adding the following sentence at the end thereof: "References in this section to Form 1099 shall be construed to include Form 1099-BCD, except that in applying paragraph (b)(2) of this section no information relating to the person to whom the certificate of deposit was originally issued shall be disclosed to another person to whom the payment of interest is made."

[FR Doc. 79-342 Filed 1-2-79; 10:09 am]

[4830-01-M]

[T.D. 7585]

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

Change of Treatment With Respect to Itemized Deductions; Annualization of Taxable Income for Purposes of Estimated Tax Rules

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations on two matters: A change of treatment with respect to the zero bracket amount and itemized deductions after the taxpayer has filed a return for the taxable year, and the annualization of taxable income for purposes of determining whether an addition to tax is imposed for underpayment of estimated tax. The Tax Reduction and Simplification Act of 1977 amended the applicable tax law. These regulations provide the public with the necessary guidance on these two matters.

EFFECTIVE DATE: The regulations are effective for taxable years beginning after 1976.

FOR FURTHER INFORMATION CONTACT:

Paul A. Francis of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-6640).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 30, 1978, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 63 and 6654 of the Internal Revenue Code of 1954 (43 FR 38725). The amendments were proposed to conform the regulations to section 102 (a) and (b)(16) of the Tax Reduction and Simplification Act of 1977 (91 Stat. 135, 139). No written comments were submitted regarding the proposed regulations, and no public hearing was requested or held. The proposed amendments are adopted without change by this Treasury decision.

CHANGE OF TREATMENT WITH RESPECT TO ITEMIZED DEDUCTIONS

The Tax Reduction and Simplification Act of 1977 redefined the term "taxable income" and eliminated the concept "standard deduction" from the Internal Revenue Code. For taxable years beginning after 1976, a taxpayer generally may elect to itemize deductions only if the taxpayer has itemized deductions in excess of the taxpayer's zero bracket amount. Certain taxpayers who were prohibited from taking the standard deduction or whose standard deduction was subject to special restrictions under prior law are treated as having elected to itemize deductions under the new law.

New Code section 63(g)(5) provides that a taxpayer may change a decision with respect to itemizing deductions after the taxpayer has filed a return for the taxable year. This privilege is subject to restrictions similar to those that applied to changes with respect to the standard deduction under prior law.

In addition to the general rule that taxpayers may change the treatment of itemized deductions, new § 1.63-1 sets forth the special requirements applicable to spouses filing separate returns. The new regulations also state the exception to the general rule for taxable years for which the tax liability of either the taxpayer or the taxpayer's spouse has been compromised. The new regulations were adapted from § 1.144-2 which dealt with changes of election with respect to the standard deduction under prior law.

ANNUALIZATION OF TAXABLE INCOME IN CONNECTION WITH UNDERPAYMENT OF ESTIMATED TAX

Secion 6654 of the Code imposes an addition to tax on individuals who fail to make sufficient estimated income tax payments. There is no addition to

tax, however, if the payments made by an individual equal or exceed any of several amounts specified in section 6654(d). In order to determine one of those amounts, it is necessary to place the taxable income for a given period on an annualized basis. For taxable years beginning before 1977, section 6654 and § 1.6654-2(a)(2) set forth the method by which taxable income had to be annualized.

The redefinition of the term "taxable income" by the Tax Reduction and Simplification Act of 1977 makes a revision of that method necessary for taxable years beginning after 1976. That Act amended section 6654(d)(2) to provide that the regulations should prescribe the new method for annualizing taxable income. The report of the Senate Finance Committee indicated the method intended by Congress S. Rep. No. 95-66, 95th Cong., 1st Sess. 59 (1977).

The regulations, as amended by this Treasury decision, provide that an affected taxpayer first annualize the adjusted gross income and itemized deductions for the months in question. The taxpayer then determines any excess itemized deductions or unused zero bracket amount and computes annualized tax table income. If the taxpayer is unable to use the tax tables to determine tax at this point, the taxpayer deducts personal exemptions from annualized tax table income to arrive at annualized taxable income. The amendment adds two new examples to § 1.6654-2(c) to illustrate these computations.

Drafting Information

The principal author of these regulations is Paul A. Francis 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.

Miscellaneous Matters

The regulations adopted by this Treasury decision impose no new reporting burdens or recordkeeping requirements. The principal effect of the final regulations is to conform the Income Tax Regulations under sections 63 and 6654 of the Code to changes made by the Tax Reduction and Simplification Act of 1977. The Treasury Department will review these regulations from time to time in light of comments received from offices within the Treasury Department and Internal Revenue Service or from the public.

Adoption of Amendments to the Regulations

The amendments to 26 CFR Part 1 published as a notice of proposed rulemaking in the Federal Register for August 30, 1978 (43 FR 38725), are hereby adopted as proposed.

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

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: December 15, 1978.

Donald C. Lubick,
Assistant Secretary of the Treasury.

Paragraph 1. Section 1.63 is deleted.

§ 1.63 [Deleted]

Par. 2. The following new section is added immediately after § 1.62-1:

§ 1.63-1 Change of treatment with respect to the zero bracket amount and itemizes deductions.

(a) *In general.* An individual who files a return on which the individual itemizes deductions in accordance with section 63(g) may later make a change of treatment by recomputing taxable income for the taxable year to which that return relates without itemizing deductions. Similarly, an individual who files a return on which the individual computes taxable income without itemizing deductions may later make a change of treatment by itemizing deductions in accordance with section 63(g) in recomputing taxable income for the taxable year to which that return relates.

(b) *No extension of time for claiming credit or refund.* A change of treatment described in paragraph (a) of this section does not extend the period of time prescribed in section 6511 within which the taxpayer may make a claim for credit or refund of tax.

(c) *Special requirements if spouse filed separate return—(1) Requirements.* If the spouse of the taxpayer filed a separate return for a taxable year corresponding to the taxable year of the taxpayer, the taxpayer may not make a change of treatment described in paragraph (a) of this section for that year unless—

(i) The spouse makes a change of treatment on the separate return consistent with the change of treatment sought by the taxpayer; and

(ii) The taxpayer and the taxpayer's spouse file a consent in writing to the assessment of any deficiency of either spouse to the extent attributable to the change of treatment, even though the assessment of the deficiency would otherwise be prevented by the operation of any law or rule of law. The consent must be filed with the district director for the district in which the taxpayer applies for the change of treatment, and the period during which a deficiency may be assessed shall be established by agreement of the spouses and the district director.

(2) *Corresponding taxable year.* A taxable year of one spouse corresponds to a taxable year of the other spouse if both taxable years end in the same calendar year. If the taxable year of one spouse ends with death, however, the corresponding taxable year of the surviving spouse is that in which the death occurs.

(d) *Inapplicable if tax liability has been compromised.* The taxpayer may not make a change of treatment described in paragraph (a) of this section for any taxable year if—

(1) The tax liability of the taxpayer for the taxable year has been compromised under section 7122; or

(2) The tax liability of the taxpayer's spouse for a taxable year corresponding to the taxable year of the taxpayer has been compromised under section 7122. See paragraph (c)(2) of this section for the determination of a corresponding taxable year.

(e) *Effective date.* This section applies to taxable years beginning after 1976.

Par. 3. Section 1.6654 is deleted.

§ 1.6654 [Deleted]

Par. 4. Section 1.6654-2 is amended by revising paragraph (a)(2)(i), by revising the last sentence of paragraph (a)(2)(ii), and by adding new examples (8) and (9) at the end of paragraph (c). These revised and added provisions read as follows:

§ 1.6654-2 Exceptions to imposition of the addition to the tax in the case of individuals.

(a) *In general.* * * *

(2) * * *

(i) Taxable income shall be placed on an annualized basis—

(A) For taxable years beginning after 1976, by—

(*1*) Multiplying by 12 (or the number of months in the taxable year if less than 12) the adjusted gross income and the itemized deductions for the calendar months in the taxable year ending before the month in which the installment is required to be paid,

(*2*) Dividing the resulting amounts by the number of such calendar months,

(*3*) Increasing the amount of the annualized adjusted gross income by the unused zero bracket amount, if any, determined by reference to the annualized itemized deductions, or decreasing the amount of the annualized adjusted gross income by the excess

itemized deductions, if any, determined by reference to the annualized itemized deductions (the amount resulting under this step is annualized tax table income), and

(4) Deducting from the annualized tax table income the deduction for personal exemptions (such personal exemptions being determined as of the date prescribed for payment of the installment).

If the taxpayer would be eligible to use the tax tables on the basis of annualized tax table income, the amount which would have been required to be paid for purposes of this subparagraph may be determined by applying the tax tables to annualized tax table income, the amount resulting under (3).

(B) For taxable years beginning before 1977, by—

(1) Multiplying by 12 (or the number of months in the taxable year if less than 12) the taxable income (computed without the standard deduction and without the deduction for personal exemptions), or the adjusted gross income if the standard deduction is to be used for the calendar months in the taxable year ending before the month in which the installment is required to be paid,

(2) Dividing the resulting amount by the number of such calendar months, and

(3) Deducting from such amount the standard deduction, if applicable, and the deduction for personal exemptions (such personal exemptions being determined as of the date prescribed for payment of the installment).

(i) * * * For this purpose, wages are annualized by multiplying by 12 (or the number of months in the taxable year in the case of a taxable year of less than 12 months) the wages for such calendar months and dividing the resulting amount by the number of such months.

* * * * *

(c) *Examples.* * * *

Example (8). C, an unmarried individual for whom another taxpayer is entitled to a deduction under section 151(e), has adjusted gross income of $4,000 for the period January 1, 1977, through August 31, 1977. All of C's income is non-exempt interest. For the same period C, who is entitled to one personal exemption, has itemized deductions amounting to $300. C is entitled to no credits other than the general tax credit. C filed a declaration of estimated tax on April 15, 1977, and on or before September 15, 1977, makes estimated tax payments for 1977 which total $460. For purposes of determining whether the exception described in paragraph (a)(2) of this section applies, the following computations are necessary:

Adjusted gross income for the period ending Aug. 31, 1977, on an annual basis ($4,000 × 12÷8)		$6,000.00
Itemized deductions for the period ending Aug. 31, 1977, on an annual basis ($300 × 12÷8)		450.00
Unused zero bracket amount computation required under sec. 63(e)(1)(D):		
Zero bracket amount	$2,200.00	
Annualized itemized deductions	450.00	
Unused zero bracket amount	1,750.00	
Annualized adjusted gross income		6,000.00
Plus: unused zero bracket amount		1,750.00
Annualized tax table income		7,750.00
Tax from tables		757.00
Amount specified in paragraph (a)(2) of this section (¾ × 80 pct. × $757)		454.20

The exception described in paragraph (a)(2) applies, and no addition to tax will be imposed.

Example (9). An unmarried taxpayer entitled to one exemption, has adjusted gross income of $16,000 and itemized deductions of $2,000 for the period January 1, 1977, through August 31, 1977. D has no net earnings from self-employment and is entitled to no credits other than the general tax credit. D files a declaration of estimated tax on April 15, 1977, and on or before September 15, 1977, makes estimated tax payments for 1977 which total $3,000. For purposes of determining whether the exception in paragraph (a)(2) of this section applies, the following computations are necessary:

Adjusted gross income for the period ending Aug. 31, 1977, on an annual basis ($16,000 × 12÷8)		$24,000
Itemized deductions for the period ending Aug. 31, 1977 on an annual basis ($2,000 × 12÷8)		3,000
Annualized itemized deductions	$3,000	
Minus zero bracket amount	2,200	
Excess itemized deductions	800	
Annualized adjusted gross income		24,000
Minus excess itemized deductions		800
Annualized tax table income		23,200
Minus: Personal exemption		750
Annualized taxable income		22,450
Tax under sec. 1(c) on annualized taxable income		5,325
Minus: general tax credit		180
Total		5,145
Amount specified in paragraph (a)(2) of this section (¾ × 80 pct. × $5,145)		3,087

The exception described in paragraph (a)(2) does not apply.

* * * * *

[FR Doc. 79-343 Filed 1-3-79; 8:45 am]

[4830-01-M]

[T.D. 7586]

PART 5—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1978

Treatment of Certain Capital Gains of Regulated Investment Companies and Real Estate Investment Trusts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to the treatment of certain capital gains by regulated investment companies, real estate investment trusts, and their shareholders. Changes to the applicable tax law were made by the Revenue Act of 1978. These regulations affect regulated investment companies, real estate investment trusts, and their shareholders and provide them with guidance needed to comply with the law.

EFFECTIVE DATES: The temporary regulations are effective for any taxable year of a regulated investment company or a real estate investment trust beginning after November 30, 1977, and ending before January 1, 1979. They are also effective for dividends paid after October 31, 1978, and before January 1, 1979, under sections 855, 858, 859 (as in effect prior to enactment of the Revenue Act of 1978) and 860 of the Internal Revenue Code of 1954.

FOR FURTHER INFORMATION CONTACT:

Kent J. Schreiner 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, 202-566-3803).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains temporary regulations relating to the treatment of certain capital gains by regulated investment companies, real estate investment trusts, and their shareholders. The temporary regulations are necessary because of the amendments made to section 1202 by section 402 of the Revenue Act of 1978 (Pub. Law 95-600, 92 Stat. 2867). Additional temporary regulations will be adopted relating to the treatment of capital gains by regulated investment companies, real estate investment trusts, and their shareholders and will apply with respect to taxable years ending after December 31, 1978. The additional temporary regulations will also apply to dividends paid after December 31,

1978, under sections 855, 858, 859 (as in effect prior to enactment of the Revenue Act of 1978) and 860.

EXPLANATION OF PROVISIONS

Section 402 of the Revenue Act of 1978 amends section 1202 of the Code (relating to deduction for capital gains) by increasing the deduction for capital gains from 50 percent to 60 percent of the amount of net capital gain. Section 1202(c) provides a transitional rule for determining the applicable deduction for capital gains for a taxpayer other than a corporation. Under the transitional rule, a deduction is allowed equal to 60 percent of the lesser of the net capital gain for the taxable year, or the net capital gain taking into account only sales and exchanges after October 31, 1978. The transitional rule also provides for a deduction equal to 50 percent of the excess of the net capital gain for the taxable year over the amount taken into account in computing the 60 percent deduction.

Under sections 852(b)(3)(B) and 857(b)(3)(B), capital gain dividends received by shareholders of a regulated investment company and real estate investment trust are treated as gain from the sale or exchange of a capital asset held for more than 1 year and are included in income in the taxable year of the shareholder in which the dividend is received. The temporary regulations require that the regulated investment company or real estate investment trust designate the portion of a shareholder's capital gain dividend that is to be taken into account in computing the 60 percent capital gain deduction. In making the designation, the regulated investment company or real estate investment trust must consider capital gain dividends as being made first from capital gains that can be taken into account in computing the 60 percent capital gain deduction, to the extent thereof, and then from capital gains that can be taken into account in computing the 50 percent capital gain deduction. The temporary regulations contain rules for determining a shareholder's proportionate share of the capital gain dividend.

Under section 852(b)(3)(D) a regulated investment company may designate an amount of undistributed capital gains that shareholders must include in gross income as gain from the sale or exchange of a capital asset held for more than 1 year. The temporary regulations prescribe the same rules for designated undistributed capital gains as those prescribed for capital gain dividends.

The Income Tax Regulations (26 CFR Part 1) under subchapter M, chapter 1 of the Code continue to apply while the temporary regulations provided by this document are effective. However, in cases where the temporary regulations contained in this document are inconsistent with such Income Tax Regulations, the temporary regulations are to apply.

WAIVER OF CERTAIN PROCEDURAL REQUIREMENTS

There is need for expeditious adoption of the provisions contained in this document because regulated investment companies, real estate investment trusts and their shareholders must be provided with immediate guidance in applying the short-term transitional rule provided by section 402 of the Revenue Act of 1978. For this reason, Jerome Kurtz, Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

DRAFTING INFORMATION

The principal author of this regulation is Kent J. Schreiner 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.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the following new sections are adopted and inserted in Part 5, Temporary Income Tax Regulations Under the Revenue Act of 1978 (26 CFR Part 5):

§ 5.852-1 Treatment of certain capital gains of regulated investment companies with taxable years beginning after November 30, 1977, and ending before January 1, 1979, and of certain dividends paid after October 31, 1978, and before January 1, 1979.

(a) *Taxation of certain capital gains of shareholders of regulated investment companies*—(1) *In general.* Section 402 of the Revenue Act of 1978 increases the deduction for capital gains from 50 percent to 60 percent of the amount of net capital gain. Section 1202(c), as amended by the Revenue Act of 1978, contains a transitional rule for determining the applicable deduction for capital gains for a taxpayer other than a corporation and provides for capital gains to be classified as pre-November 1978 capital gain and post-October 1978 capital gain. Under section 852(b)(3)(B), capital gain dividends received by shareholders of a regulated investment company in respect of capital gains for a taxable year for which the company is taxable under part I, subchapter M, chapter 1 of the Code are treated as gain from the sale or exchange of a capital asset held for more than 1 year and are included in income in the taxable year of the shareholder in which the dividend is received. However, for a regulated investment company with a taxable year beginning after November 30, 1977, and ending before January 1, 1979, paying capital gain dividends with respect to such year, or for a regulated investment company with any taxable year distributing capital gain dividends under section 855 or 860 after October 31, 1978, and before January 1, 1979, the portion of a shareholder's capital gain dividend that is post-October 1978 capital gain is only the portion of the total dividend so designated by the regulated investment company pursuant to paragraph (b) of this section. Any capital gain dividend, or portion thereof, not designated post-October 1978 capital gain is to be considered pre-November 1978 capital gain. For dividends paid before November 1, 1978, for taxable years ending before November 1, 1978, see § 1.852-4. For definitions of "pre-November 1978 capital gain" and "post-October 1978 capital gain", see paragraph (d) of this section.

(2) *Undistributed capital gains.* A shareholder of a regulated investment company at the close of the company's taxable year for which it is taxable under part I, subchapter M, chapter 1 of the Code shall include in his gross income as gain from the sale or exchange of a capital asset held for more than 1 year any amount of undistributed capital gains designated by the company under section 852(b)(3)(D). Such amount shall be included in the shareholders' gross income for the taxable year that includes the last day of the taxable year of the regulated investment company for which the undistributed capital gains were designated. However, for undistributed capital gains designated for any taxable year of a regulated investment company beginning after November 30, 1977, and ending before January 1, 1979, the portion of each shareholder's designated undistributed capital gains that is post-October 1978 capital gain is only the portion so designated by the regulated investment company pursuant to paragraph (c) of this section. Any designated undistributed capital gains, or portion thereof, not designated post-October 1978 capital gain is to be considered pre-November 1978 capital gain. For undistributed capital gains designated for taxable years ending before November 1, 1978, see § 1.852-9.

(b) *Definition of capital gain dividend.* A capital gain dividend is any dividend, or part thereof, that is designated by a regulated investment com-

pany as a capital gain dividend in a written notice mailed to its shareholders not later than 45 days after the close of its taxable year. A regulated investment company with a taxable year beginning after November 30, 1977, and ending before January 1, 1979, designating capital gain dividends with respect to such year, or a regulated investment company with any taxable year distributing capital gain dividends under sections 855 or 860 after October 31, 1978, and before January 1, 1979, must include in its written notice designating the capital gain dividend a statement showing the shareholder's proportionate share of the dividend that is post-October 1978 capital gain. In determining the portion of the capital gain dividend that is post-October 1978 capital gain, the regulated investment company shall consider that capital gain dividends for the taxable year are made first from its post-October 1978 capital gain, to the extent thereof, and then from its pre-November 1978 capital gain. For purposes of the preceding sentence, the company's post-October 1978 capital gain shall be allocated first to capital gain dividends, to the extent thereof, second to designated undistributed capital gains, to the extent thereof, and third to capital gains retained by the company that are not designated undistributed capital gains. The proportionate share of post-October 1978 capital gain of a shareholder is the amount that bears the same ratio to the amount paid to him as a capital gain dividend for the year as (1) the aggregate amount of the company's post-October 1978 capital gain paid to all shareholders bears to (2) the aggregate amount of the capital gain dividend paid for the year. Every regulated investment company shall keep a record of the proportion of each capital gain dividend (to which this paragraph applies) that is post-October 1978 capital gain.

(c) *Special procedural requirements applicable to designation under section 852(b)(3)(D).* A regulated investment company with a taxable year beginning after November 30, 1977, and ending before January 1, 1979, that designates undistributed capital gains for that year shall show on Form 2439 the shareholder's proportionate share of such gains that is considered post-October 1978 capital gain. In determining the shareholder's portion of the designated undistributed capital gains that is post-October 1978 capital gain, the company shall consider the designated amount as being first from its post-October 1978 capital gain, to the extent thereof, and then from its pre-November 1978 capital gain. For purposes of the preceding sentence, the company's post-October 1978 capital gain shall be allocated first to capital gain dividends, to the extent thereof, second to designated undistributed capital gains, to the extent thereof, and third to capital gains retained by the company that are not designated undistributed capital gains. A shareholder's proportionate share of undistributed capital gains for a taxable year that is from post-October 1978 capital gain is the amount that bears the same ratio to the amount included in his income as designated undistributed capital gains for the year as (1) the aggregate amount of the company's post-October 1978 capital gain for the year designated as undistributed capital gains bears to (2) the aggregate amount of the company's gains for the year that are designated as undistributed capital gains. Every regulated investment company shall keep a record of the proportion of undistributed capital gains (to which this paragraph applies) that is from post-October 1978 capital gain.

(d) *Definitions*—(1) *Post-October 1978 capital gain.* For purposes of this section, the term "post-October 1978 capital gain" means net capital gain described in section 1202(c)(1), as amended by the Revenue Act of 1978.

(2) *Pre-November 1978 capital gain.* For purposes of this section, the term "pre-November 1978 capital gain" means net capital gain described in section 1202(c)(2), as amended by the Revenue Act of 1978.

(e) *Other applicable regulations.* In general, the Income Tax Regulations (26 CFR Part 1) under part I, subchapter M, chapter 1 of the Code shall apply to the treatment of capital gains by regulated investment companies. However, in any case where this section is inconsistent with such Income Tax Regulations, this section is to apply.

(f) *Example.* The rules of this section are illustrated by the following example:

Example. XYZ Company, a regulated investment company making its return on the calendar year basis, realized the following capital gains and losses during 1978:

	July	November
Long term capital gain	$600	$1500
Long term capital loss	100	200
Short term capital gain	300	100
Short term capital loss	0	300
Total 1978 net capital gain	$1800	

XYZ Company distributes $1000 to its shareholders as a capital gain dividend, designates $500 as undistributed capital gains, and retains the remaining $300 of capital gains. Under paragraph (a) of this section, the portion of a shareholder's capital gain dividend that is post-October 1978 capital gain is only the portion designated as post-October 1978 capital gain by the company. Under paragraph (b) of this section, the company must consider that capital gain dividends for 1978 are made first from post-October 1978 capital gain, to the extent thereof, and then from pre-November 1978 capital gain. Further, under paragraphs (b) and (c) of this section, the company's post-October 1978 capital gain must be allocated first to capital gain dividends, to the extent thereof, second to designated undistributed capital gains, to the extent thereof, and third to capital gains retained by the company that are not designated undistributed capital gains.

Under paragraph (d)(1) of this section, post-October 1978 capital gain is defined as the net capital gain described in section 1202(c)(1) or $1100 (the lesser of $1800 net capital gain for 1978 or $1100 net capital gain taking into account sales and exchanges after October 31, 1978). Under paragraph (d)(2) of this section, pre-November 1978 capital gain is defined as the net capital gain described in section 1202(c)(2) or $700 (the excess of $1800 net capital gain for 1978 over $1100 taken into account in computing post-October 1978 capital gain).

Thus, of the $1000 distributed as capital gain dividend, $1000 must be designated as post-October 1978 capital gain and $0 is pre-November 1978 capital gain. Of the $500 designated undistributed capital gain, $100 is post-October 1978 capital gain (the remaining post-October 1978 capital gain after taking into account capital gain dividends) and $400 is pre-November 1978 capital gain. The $300 capital gain retained by the company is all pre-November 1978 capital gain.

Under the rules of paragraph (b) of this section each shareholder's proportionate share of post-October 1978 capital gain distributed as a dividend is 100 percent of the capital gain dividend paid to him ($1000 post/October 1978 capital gain distributed to all shareholders divided by $1000 total capital gain paid for 1978). Similarly, each shareholder's proportionate share of post-October 1978 designated undistributed capital gain is 20 percent of the capital gain dividend paid to him ($100 post-October 1978 undistributed capital gains designated to all shareholders divided by $500 total designated as undistributed capital gains).

§ 5.852-2 Treatment of certain capital gains of regulated investment companies with respect to taxable years ending after December 31, 1978, and of certain dividends paid after December 31, 1978. [Reserved]

§ 5.857-1 Treatment of certain capital gains of real estate investment trusts with taxable years beginning after November 30, 1977, and ending before January 1, 1979, and of certain dividends paid after October 31, 1978, and before January 1, 1979.

(a) *Taxation of certain capital gains of shareholders of real estate investment trusts.* Section 402 of the Revenue Act of 1978 increases the deduction for capital gains from 50 percent to 60 percent of the amount of net capital gain. Section 1202(c), as amended by the Revenue Act of 1978, contains a transitional rule for determining the applicable deduction for

capital gains for a taxpayer other than a corporation and provides for capital gains to be classified as pre-November 1978 capital gain and post-October 1978 capital gain. Under section 857(b)(3)(B), capital gain dividends received by shareholders of a real estate investment trust in respect of capital gains for a taxable year for which the trust is taxable under part II, subchapter M, chapter 1 of the Code are treated as gain from the sale of exchange of a capital asset held for more than 1 year and are included in income in the taxable year of the shareholder in which the dividend is received. However, for a real estate investment trust with a taxable year beginning after November 30, 1977, and ending before January 1, 1979, paying capital gain dividends with respect to such year, or for a real estate investment trust with any taxable year distributing capital gain dividends under sections 858, 859 (as in effect prior to enactment of the Revenue Act of 1978) or 860 after October 31, 1978, and before January 1, 1979, the portion of a shareholder's capital gain dividend that is post-October 1978 capital gain is only the portion of the total dividend so designated by the real estate investment trust pursuant to paragraph (b) of this section. Any capital gain dividend or portion thereof, not designated post-October 1978 capital gain is to be considered pre-November 1978 capital gain. For dividends paid before November 1, 1978, for taxable years ending before November 1, 1978, see § 1.857-4. For definitions of "pre-November 1978 capital gain" and "post-October 1978 capital gain", see paragraph (c) of this section.

(b) *Definition of capital gain dividend.* A capital gain dividend is any dividend, or part thereof, that is designated by a real estate investment trust as a capital gain dividend in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year. A real estate investment trust with a taxable year beginning after November 30, 1977, and ending before January 1, 1979, designating capital gain dividends with respect to such year, or a real estate investment trust with any taxable year distributing capital gain dividends after October 31, 1978, and before January 1, 1979, under sections 858, 859 (as in effect prior to enactment of the Revenue Act of 1978) or 860, must include in its written notice designating the capital gain dividend a statement showing the shareholder's proportionate share of the dividend that is post-October 1978 capital gain. In determining the portion of the capital gain dividend that is post-October 1978 capital gain, the real estate investment trust shall consider that capital gain dividends for the taxable year are made first from its post-October 1978 capital gain, to the extent thereof, and then from its pre-November 1978 capital gain. For purposes of the preceding sentence, the trust's post-October 1978 capital gain shall be allocated first to capital gain dividends to the extent thereof, and then to capital gains retained by the trust. The proportionate share of post-October 1978 capital gain of a shareholder is the amount that bears the same ratio to the amount paid to him as a capital gain dividend for the year as (1) the aggregate amount of the real estate investment trust's post-October 1978 capital gain paid to all shareholders bears to (2) the aggregate amount of the capital gain dividend paid for the year. Every real estate investment trust shall keep a record of the proportion of each capital gain dividend (to which this paragraph applies) that is post-October 1978 capital gain.

(c) *Definitions*—(1) *Post-October 1978 capital gain.* For purposes of this section, the term "post-October 1978 capital gain" means net capital gain described in section 1202(c)(1), as amended by the Revenue Act of 1978.

(2) *Pre-November 1978 capital gain.* For purposes of this section, the term "pre-November 1978 capital gain" means net capital gain described in section 1202(c)(2), as amended by the Revenue Act of 1978.

(d) *Other applicable regulations.* In general, the Income Tax Regulations (26 CFR Part 1) under part II, subchapter M, chapter 1 of the Code shall apply to the treatment of capital gains by real estate investment trusts. However, in any case where this section is inconsistent with such Income Tax Regulations, this section is to apply.

(e) *Example.* The rules of this section are illustrated by the following example:

Example. XYZ, a real estate investment trust making its return on the calendar year basis, realized the following capital gains and losses during 1978:

	July	November
Long term capital gain	$300	$1,500
Long term capital loss	100	200
Short term capital gain	0	100
Short term capital loss	300	300
Total 1978 net capital gain	$1,000	

XYZ distributes $900 to its shareholders as a capital gain dividend. Under paragraph (a) of this section, the portion of a shareholder's capital gain dividend that is post-October 1978 capital gain is only the portion designated as post-October 1978 capital gain by the trust. Further, under paragraph (b) of this section, the trust must consider that capital gain dividends for 1978 are made first from post-October 1978 capital gain, to the extent thereof, and then from pre-November 1978 capital gain.

Under paragraph (c)(1) of this section, post-October 1978 capital gain is defined as the net capital gain described in section 1202(c)(1) or $1,000 (the lesser of $1,000 net capital gain for 1978 or $1,100 net capital gain taking into account only sales and exchanges after October 31, 1978). Under paragraph (c)(2) of this section, pre-November 1978 capital gain is defined as the net capital gain described in section 1202(c)(2) or $0 (the excess of $1,000 net capital gain for 1978 over $1,000 taken into account in computing post-October 1978 capital gain).

Thus, of the $900 distributed as capital gain dividend, $900 must be designated as post-October 1978 capital gain and $0 (the total amount of pre-November 1978 capital gain) is pre-November 1978 capital gain.

Under the rules of paragraph (b) of this section each shareholder's proportionate share of post-October 1978 capital gain is 100% of the capital gain dividend paid to him ($900 post-October 1978 capital gain paid to all shareholders divided by $900 total capital gain dividend paid for 1978).

§ 5.857-2 Treatment of certain capital gains of real estate investment trusts with respect to taxable years ending after December 31, 1978, and of certain dividends paid after December 31, 1978. [Reserved]

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision 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 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: December 28, 1978.

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

[FR Doc. 78-36486 Filed 12-29-78 4:24 pm]

[4830-01-M]

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7588]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PART 37—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE FOREIGN EARNED INCOME ACT

Wage Withholding on Remuneration for Which a Corresponding Deduction Is Allowable Under Section 913

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides Temporary Employment Tax Regulations relating to reduced income tax withholding on the remuneration of employees living abroad for which a corresponding deduction is allowable under section 913. Changes to the applicable tax law were made by the Foreign Earned Income Act of 1978. In addition, the rules contained in the temporary regulations set forth in this document also serve as a notice of proposed rulemaking by which the rules contained therein are proposed to be prescribed as final regulations.

DATES: These temporary regulations are effective on January 1, 1979. Written comments and requests for a public hearing must be delivered or mailed by March 16, 1979.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-212-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Mary E. Dean 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, 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains temporary regulations under section 3401(a)(18) of the Internal Revenue Code of 1954. The temporary regulations are necessary because of the amendment made to section 3401(a) by section 207(a) of the Foreign Earned Income Act of 1978 (92 Stat. 3097, 3108).

The regulations promulgated in this document are also proposed to be prescribed as final Employment Tax Regulations (26 CFR Part 31) under section 3401(a)(18) of the Internal Revenue Code of 1954.

EXPLANATION OF PROVISION

Section 3401(a)(18) provides that the term "wages" does not include remuneration paid to, or on behalf of, an employee if at the time of the payment it is reasonable to believe that a corresponding deduction is allowable under section 913 (relating to deduction for certain expenses of living abroad).

Section 37.3401(a)(18)-1(a)(2) of the temporary regulations provides for proration over the employee's taxable year of the reduction in wages subject to withholding. Section 37.3401(a)(18)-1(b) provides acceptable forms for written statements which the employee may furnish to the employer and upon which the employer may justifiably rely in determining whether the employee will meet the bona fide foreign residency or physical presence test of section 913. These statements are similar to the statements appearing in § 31.3401(a)(8)(A) of the Employment Tax Regulations (26 CFR Part 31) under section 3401(a)(8)(A) of the Code. Finally, § 37.3401(a)(18)-1(c) of the temporary regulations provides an acceptable form for a written statement upon which the employer may justifiably rely in determining the anticipated amount of the employee's deduction under section 913.

WAIVER OF PROCEDURAL REQUIREMENTS OF TREASURY DIRECTIVE

There is need for expeditious adoption of the provisions contained in this document because of the need for immediate guidance to employers and employees to whom section 3401(a)(18) applies in ascertaining the proper amounts to be treated as wages subject to income tax withholding. For this reason, Jerome Kurtz, Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adoption of the final regulations proposed in this document, 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 inspection 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 regulations is Mary E. Dean 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.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, a new Part 37, Temporary Employment Tax Regulations under the Foreign Earned Income Act, is added to Title 26 of the Code of Federal Regulations and the following temporary regulations are adopted:

§ 37.3401(a)(18)-1 Remuneration for which a corresponding deduction is allowable under section 913.

(a) *General rule*—(1) *In general.* Remuneration paid for services performed outside the United States for an employer (other than the United States or any agency thereof) by a citizen or resident of the United States does not constitute wages and hence is not subject to withholding if, and to the extent that, at the time of the payment it is reasonable to believe that a corresponding deduction is allowable under the provisions of section 913, relating to deduction for certain expenses of living abroad. The reasonable belief contemplated by section 3401(a)(18) of the Internal Revenue Code of 1954, as added by section 207(a) of the Foreign Earned Income Act of 1978 (92 Stat. 3108), and this paragraph (a)(1) may be based upon any evidence reasonably sufficient to induce this belief, even though this evidence may be insufficient upon closer examination by the district director or the courts finally to establish that there is a corresponding deduction allowable under section 913 of the Internal Revenue Code of 1954. The reasonable belief is based upon the application of section 913. For rules relating to reasonable belief of an employer as to the availability to an employee of a section 913 deduction, see paragraph (b) of this section. For rules relating to reasonable belief of an employer as to the anticipated amount of section 913 deduction allowable to an employee, see paragraph (c) of this section. If a section 913 deduction is expected to be allowable to an employee for the year, the amount of the reduction in wages subject to withholding is determined in accordance with paragraph (a)(2) of this section.

(2) *Proration.* For purposes of this section, the portion of each payment of remuneration during the taxable year to an employee for services per-

formed outside the United States which portion does not constitute wages is determined by prorating, as of the time of each payment, the then anticipated amount of the employee's deduction allowable under section 913 for the year, to the total then anticipated amount of payments of remuneration during the year to the employee for services outside the United States. Thus, that portion of each separate payment of remuneration which is not wages is determined by the following formula:

$$\frac{\text{Amount of sec. 913 deduction (anticipated for the taxable year)}}{\text{Total payments of remuneration for services outside the United States (anticipated for the taxable year)}} \times \text{The subject payment of remuneration for services outside the United States}$$

The remaining part of the payment of remuneration is wages and hence is subject to withholding, unless that remaining part is not wages under another provision of section 3401(a) of the Internal Revenue Code of 1954. For the purpose of applying this proration under this paragraph (a)(2), an employer is not required to ascertain or take account of information with respect to amounts of remuneration received by the employee from any other source. The proration provided by this paragraph (a)(2) may be illustrated by the following examples:

Example (1). Employee A, a calendar year taxpayer, reasonably expects to receive remuneration of $48,000 from employer B during 1980 for services performed outside the United States. A anticipates that A's section 913 deduction for 1980 will amount to $12,000. A's remuneration for January 1980 is $4,000. The amount of this payment of remuneration which does not constitute wages is $1,000, *i.e.*, ($12,000/$48,000 × $4,000). The remaining part of the remuneration, $3,000, is wages and is subject to withholding, unless that part is not wages under another provision of section 3401(a).

Example (2). Employee A, a calendar year taxpayer, reasonably expected on January 1, 1980, to receive remuneration of $48,000 from employer B during 1980 for services performed outside the United States. A anticipated that A's section 913 deduction for 1980 would amount to $12,000. For each of the first 6 months of 1980, A's remuneration was $4,000, and $1,000 of this remuneration did not constitute wages. On July 1, 1980, A first realizes that the anticipation of a $12,000 deduction under section 913 for 1980 was incorrect, and that instead A may reasonably expect that the section 913 deduction for 1980 will amount to $6,000. A's remuneration for July, 1980, is $4,000. The amount of this payment of remuneration which does not constitute wages is $500, *i.e.*, ($6,000/$48,000 × $4,000). The remaining part of the remuneration, $3,500, is wages and is subject to withholding, unless that part is not wages under another provision of section 3401(a).

(b) *Availability of section 913 deduction*—(1) *In general.* In order for a deduction to be allowable under section 913, an employee must satisfy the requirements of section 913(a)(1) or (2), relating, respectively, to bona fide residence of a United States citizen in a foreign country and to physical presence of a United States citizen or resident in a foreign country. For purposes of this section, a portion of a payment of remuneration may not constitute wages only if the employer reasonably believes that the employee-recipient of the payment will meet the residence requirement of section 913(a)(1) or the presence requirement of section 913(a)(2).

(2) *Statement of residence in a foreign country.* (i) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that an employee will be a bona fide resident of a foreign country or countries, within the meaning of section 913(a)(1), for an uninterrupted period which includes each taxable year, or applicable portion thereof, of the employee in respect of which the employee properly executes and furnishes to the employer a statement in the following form:

Statement for claiming benefits of section 913(a)(1) for calendar year ——— or fiscal year beginning ——— and ending ———.

I am a citizen of the United States. I have been a bona fide resident of the following foreign country or countries namely, ———, for an uninterrupted period which began on ———, 19—.

I expect to remain a bona fide resident of a foreign country or countries from the date of this statement until the end of the taxable year in respect of which this statement is executed or, if not for that period, from the date of this statement until the following date within the taxable year, namely, ———, 19—.

On the basis of the facts in my case I have good reason to believe that, with respect to the above period of foreign residence falling within the taxable year, I will satisfy the bona fide foreign-residence requirement prescribed by section 913(a)(1) of the Internal Revenue Code of 1954.

In the event I become disqualified for the deduction provided by section 913(a) in respect of all or part of the above period of foreign residence falling within the taxable year, I will immediately notify my employer, giving sufficient facts to indicate the part, if any, of the period falling within the year in respect of which I am qualified for the deduction under section 913.

I understand that any reduction in withholding of tax permitted by reason of the furnishing of this statement is not a determination by the district director of internal revenue that any deduction is allowable under section 913.

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

(Signature of taxpayer)

Date: ———, 19—.

(ii) If the employer was entitled to presume for the 2 consecutive taxable years immediately preceding an employee's current taxable year that the employee was a bona fide resident of a foreign country or countries for an uninterrupted period which includes these preceding taxable years, the employer may, if the employee is residing in a foreign country on the first day of the current taxable year, presume, in the absence of cause for a reasonable belief to the contrary, and without obtaining from the employee the statement prescribed in subdivision (i) of this paragraph (b)(2), that the employee will be a bona fide resident of a foreign country or countries in the current taxable year.

(3) *Statement of presence in a foreign country.* The employer may, in the absence of cause for a reasonable belief to the contrary, presume that an employee will be present in a foreign country or countries during at least 510 full days during any period of 18 consecutive months within the meaning of section 913(a)(2), and that this period includes each taxable year, or applicable portion thereof, of the employee in respect of which the employee properly executes and furnishes to the employer a statement in the following form:

Statement for claiming benefits of section 913(a)(2) for calendar year ——— or fiscal year beginning ——— and ending ———.

I am a citizen or resident of the United States. Except for occasional absences which have not disqualified me for the benefit of section 913(a)(2) of the Internal Revenue Code of 1954, I have been present in the following foreign country or countries, namely, ———, during the period of time which began on ———, 19—.

I expect to be present in a foreign country or countries, except for occasional absences not disqualifying me for the benefit of section 913(a)(2), from the date of this statement until the end of the taxable year in respect of which this statement is executed or, if not for that period, from the date of this statement until the following date within the taxable year, namely, ———, 19—.

On the basis of the facts in my case I have good reason to believe that, with respect to the above period of presence in a foreign country or countries falling within the taxable year, I will satisfy the 510 full-day requirement prescribed by section 913(a)(2).

In the event I become disqualified for the deduction provided by section 913(a)(2) in respect of all or part of the above period of presence in a foreign country or countries falling within the taxable year, I will immediately notify my employer, giving sufficient facts to indicate the part, if any, of the period falling within the year in respect of which I am qualified for the deduction under section 913.

I understand that any reduction in withholding of tax permitted by reason of the furnishing of this statement is not a determination by the district director of internal revenue that any deduction is allowable under section 913.

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

(Signature of taxpayer)

Date: ———, 19—.

(c) *Amount of section 913 deduction.*—(1) *In general.* Section 913(a) allows a deduction for certain expenses of living abroad which is the sum of the amounts qualifying under section 913(b). For purposes of this section, a portion of a payment of remuneration may not constitute wages only if the employer has reasonable evidence of the anticipated amount of the employee's deduction allowable under section 913 for the taxable year.

(2) *Statement of amount of section 913 deduction.* The employer may, in the absence of cause for a reasonable belief to the contrary, presume that the anticipated deduction allowable under section 913 for a taxable year is correctly determined (and reasonably evidenced) when the employee properly executes and furnishes to the employer a statement in the following form:

Statement of anticipated deduction under section 913 for calendar year ——— or fiscal year beginning ——— and ending ———.

I anticipate that I will qualify for a deduction under section 913 of the following amounts:

(1) Qualified cost-of-living differential	
(2) Qualified housing expenses	
(3) Qualified schooling expenses	
(4) Qualified home leave travel expenses	
(5) Qualified hardship area deduction	
Total section 913 deduction anticipated	

I understand that the total entered above plus the total reported on any other statements outstanding with other employers, should not exceed my anticipated deduction under section 913 for the year.

I understand that the deduction allowed by section 913 shall not exceed my earned income from sources outside the United States for the portion of the taxable year in which my tax home is in a foreign country, reduced by the sum of—

(a) Any amounts of that earned income which are excluded from gross income under section 119, and

(b) Any amounts of deductions properly allocable to or chargeable against that earned income (whether or not excluded from gross income under section 119), other than the deduction allowed by section 913.

I understand that any reduction in withholding of tax permitted by reason of furnishing this statement is not a determination by the district director of internal revenue that any deduction is allowable under section 913.

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

(Signature of taxpayer)

Date: ———, 19—.

(3) *New statement.* The employee may furnish a new statement at any time during the taxable year when the employee reasonably anticipates that the amount of the deduction which will be allowable under section 913 has changed from the previous statement.

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

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved:

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

DECEMBER 29, 1978.

[FR Doc. 78-36484 Filed 12-29-78 4:24 pm]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-74]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Overpeck Creek, N.J.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Consolidated Rail Corporation (Conrail) and the New York, Susquehanna and Western Railroad Company, the Coast Guard is changing the regulations governing the two railroad bridges at mile 0.0, Overpeck Creek, to require at least 24 hours notice at all times before the draws need open for the passage of vessels. This change is being made because of limited requests for the opening of these draws. This action will relieve the bridge owner of the burden of having a person constantly available to open the draw.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: On June 22, 1978, the Coast Guard published a proposed rule (43 FR 26756) concerning this amendment. The Commander, Third Coast Guard District, also published these proposals as a Public Notice dated July 17, 1978. Interested persons were given until July 21, 1978 and August 21, 1978, respectively, to submit comments.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

Three comments were received. Two had no objection or no comment. The third letter from the New York, Susquehanna and Western Railroad Company requested that the first bridge across Overpeck Creek be identified as theirs rather than Conrail's and that it be regulated identically with the Conrail bridge next to it. The Coast Guard recognizes the validity of this

request and the proposal is amended accordingly.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.225(f)(1) to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(1) Overpeck Creek, Consolidated Rail Corporation and New York, Susquehanna and Western Railroad Company drawbridges. The draws of each bridge shall open on signal if at least 24 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

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

Dated: December 28, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 79-386 Filed 1-3-79; 8:45 am]

[3510-22-M]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

HUMPBACK WHALE HARASSMENT IN THE HAWAIIAN ISLANDS AREA

Interpretation

AGENCY: National Oceanic and Atmospheric Administration, National Marine Fisheries Service.

ACTION: Notice of interpretation.

SUMMARY: The National Oceanic and Atmospheric Administration, National Marine Fisheries Service, interprets "taking by harassment" with regard to humpback whales (*Megaptera novaeangliae*) in waters adjacent to the islands of the State of Hawaii for purposes of imposing civil penalties under the Marine Mammal Protection Act of 1972, as amended, and the Endangered Species Act of 1973, as amended (the "Acts"). Those activities which will be presumed to constitute harassment of humpback whales under the Acts are defined.

DATE: This notice is effective on January 4, 1979, and this interpretation will be re-evaluated in April 1979.

COMMENTS: Comments on this interpretation are welcome. All comments should be mailed to: Gerald V. Howard, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, Calif. 90731. Telephone: 213-548-2575.

FOR FURTHER INFORMATION CONTACT:

Doyle E. Gates, Administrator, Western Pacific Program Office, National Marine Fisheries Service, P.O. Box 3830, 2570 Dole Street, Honolulu, Hawaii 96812. Telephone: 808-946-2181.

Martin B. Hochman, Southwest Regional Counsel, Southwest Regional Office, NOAA Office of General Counsel, 300 South Ferry Street, Room 2020, Terminal Island, Calif. 90731. Telephone: 213-548-2756.

SUPPLEMENTARY INFORMATION: As a result of commercial whaling during the first half of this century, the number of humpback whales (*Megaptera novaeangliae*) in the North Pacific is seriously reduced from former levels. Population levels have declined from an estimated 15,000 in 1905 to a present estimate of 850. Humpback whales received protection in 1966 when the International Whaling Commission placed a prohibition on the commercial taking of them. In 1970, the humpback whale was designated an endangered species under the Endangered Species and Conservation Act of 1969. Humpback whales are now protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, March 3, 1973 (T.I.A.S. No. 8249).

Estimates of the size of the stock of humpback whales that winters in Hawaiian waters range from 336 to 590 animals. This stock is believed to represent approximately 60 percent of the estimated total North Pacific population.

Each year humpback whales begin arriving in the Hawaiian Islands area in late October. Their numbers peak in late January through February and remain fairly constant through mid-March. The whales return each year to the waters inside the 100-fathom curve surrounding the main Hawaiian Islands for the purposes of calving, nursing, and breeding. Their major areas of concentration are Penguin Bank; the waters bounded by the islands of Molokai, Lanai, Maui, and Kahoolawe; and the coastal waters of the island of Hawaii from Kamakamaka Point to Keahole Point. The annual northward migration begins in April, and by early June most of the humpbacks have left the Hawaiian Islands area.

The humpbacks presumably calve and breed in the Hawaiian Islands area because it offers the environmental conditions for calving and nursing most favored by the whales. Activities that force the humpback whales to abandon these breeding grounds may result in a substantially-lower recruitment rate for an already severely reduced population.

While in the Hawaiian Islands area, the humpback whales are the subject of commercial photography, whale-watching tours, and scientific research. They are also affected by other human activities such as marine construction, commercial shipping, and turbidity resulting from agricultural activities. There is information that these activities may be adversely affecting the behavior and distribution of humpbacks. The whales appear to be abandoning some areas, and are becoming more difficult to approach in other areas. During the 1940's and 1950's, humpbacks were present between Wailupe and Koko Head on Oahu in numbers observed and recorded during that period by the Wailupe Whale Watch Organization. During the 1975-1976 calving and breeding season, virtually no whales were observed in this area.

Within the past five years, there have been at least nine special television programs and three record albums produced which focus on the humpback whales. This publicity has generated heightened public awareness, which in turn has resulted in a rapid expansion of whale-watching activities. According to reports received by the National Marine Fisheries Service, the number of encounters between whales and boats is increasing. Seminars and workshops are being advertised with the promise that the participants will be able to view humpback whales in their natural habitat, and the opportunity to see a humpback whale is becoming an increasingly important component of Hawaiian Islands tour promotions.

Both the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973 prohibit the "taking" of humpback whales. By definition in the statutes, harassment is a form of "taking," although harassment is not separately defined. The Marine Mammal Protection Act of 1972 provides that a civil penalty of not more than $10,000 for each violation may be assessed against any

person violating any provision of the statute (16 U.S.C. 1375(a)). The Endangered Species Act of 1973 also provides for civil penalties of up to $10,000 (16 U.S.C. 1540(a)). Both Acts provide for criminal penalties under some circumstances.

Based in part on information developed by the Marine Mammal Commission workshop on humpback whales in July, 1977, and concerns expressed at two public hearings held by the National Marine Fisheries Service in the State of Hawaii in June, 1978, the National Marine Fisheries Service has developed this interpretation of "taking by harassment" to further protect the humpback whale population during its critical breeding and calving period in the Hawaiian Islands area, to define certain activities which will be presumed to constitute harassment of humpback whales under the Marine Mammal Protection Act and the Endangered Species Act, and to afford notice that actions defined in this notice will be subject to civil penalty proceedings under the Acts.

NOTICE OF INTERPRETATION OF "TAKING BY HARASSMENT" IN REGARD TO HUMPBACK WHALES IN THE HAWAIIAN ISLANDS AREA

AUTHORITY: Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361 *et seq.*, and the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

I. This notice applies to persons subject to the jurisdiction of the United States under the Marine Mammal Protection Act of 1972, as amended, and the Endangered Species Act of 1973, as amended, in waters adjacent to the islands of the State of Hawaii extending to 200 nautical miles.

II. Activities authorized by scientific research permits (see 50 CFR 220) are governed by the terms of the permits, including the requirement that permit holders are required to display triangular yellow pennants while engaging in permitted activities in these waters.

III. Each of the following activities is presumed to constitute "harassment" with respect to humpback whales under the Marine Mammal Protection Act of 1972, 16 U.S.C. 1362(3) and 1372(a), and the Endangered Species Act of 1973, 16 U.S.C. 1532(14) and 1538(a):

A. *Aircraft:* Approaching a humpback whale by flying lower than 1000 feet while within a horizontal distance of 300 yards from the humpback whale. "Flying" includes hovering, circling, or buzzing.

B. *Vessels, swimmers, and divers:*

1. In calving and breeding grounds—Approaching within 300 yards of a humpback whale, or herding or driving a humpback whale from any distance, in the following calving and breeding grounds (see map):

a. Lanai—all waters within two miles of the mean high water line from Kaena Point east by southeast, passing Halepalaoa Landing and Kikoa Point, to Kamaiki Point;

b. Maui—all waters inshore from a line drawn from Hekili Point at Olowalu southeast to Puu Olai.

2. In all areas subject to this notice other than the calving and breeding grounds described above—

a. Approaching within 100 yards of a humpback whale;

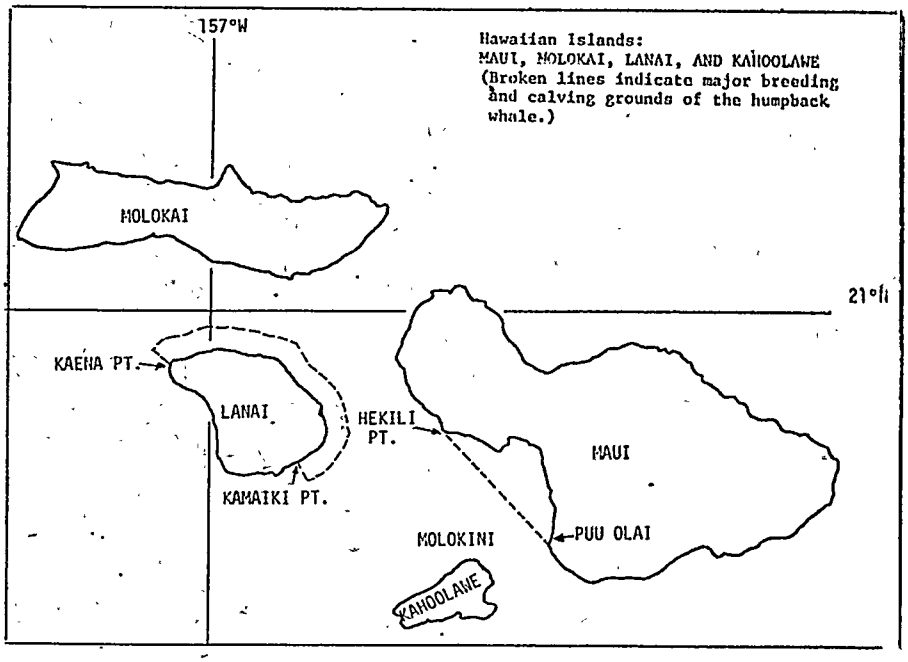
b. Traveling faster than a humpback whale, or the slowest whale in a group of whales, while between 100 and 300 yards of the whale or whales;

c. Multiple changes in vessel speed while between 100 and 300 yards of the whale;

d. Separating a whale from a calf;

e. Herding or driving whales.

C. Any other act or omission that substantially disrupts the normal behavioral pattern of a humpback whale is also presumed to constitute harassment. A substantial disruption of a normal behavioral pattern may be manifested by, among other actions on the part of the whale, a rapid change in direction or speed; escape tactics such as prolonged diving, underwater course changes, underwater exhalation, or evasive swimming patterns such as swimming away rapidly at the surface; stopping of breeding, nursing or feeding; attempts by a female or her escort to shield a calf from a vessel or a human observer by tail swishing or by other movements to protect a calf; or the abandonment of a previously frequented area.



Dated: December 28, 1978.

WINFRED H. MEIBOHM,
Acting, Executive Director,
National Marine Fisheries Service.

[FR Doc. 79-353 Filed 1-3-79; 8:45 am]

[3510-22-M]

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

PART 611—FOREIGN FISHING REGULATIONS

PART 671—TANNER CRAB OFF ALASKA

Final Regulations for 1979

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Extension of effective date of regulations.

SUMMARY: This rule extends the effective date of the Fishery Management Plan (FMP) for Tanner crab off the coast of Alaska and regulations implementing the FMP from December 31, 1978 through October 31, 1979. The regulations are applicable to vessels of the United States and foreign nations fishing for Tanner crab off Alaska.

DATE: The regulations are extended until October 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Harry L. Rietze, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99807, Telephone: (907) 586-7221.

SUPPLEMENTARY INFORMATION: The FMP for the commercial Tanner crab fishery which was prepared by the North Pacific Fishery Management Council was approved by the Secretary of Commerce (Secretary) and published in the FEDERAL REGISTER (FR) on May 16, 1978 (43 FR 21180). The FMP contained conservation and management measures for both the foreign and domestic Tanner crab fisheries off the coast of Alaska under authority of the Fishery Conservation and Management 1976 Act, as amended, 16 USC 1801 *et seq.* Proposed regulations to implement the plan were published on May 16, 1978 (43 FR 21170 regulating foreign vessels, and 43 FR 21171 regulating vessels of the United States). The FMP was designed to conserve and manage Tanner crab resources off the coast the Alaska during 1978.

On November 8, 1978 (43 FR 52034) an amendment extending the FMP through October 31, 1979 was published for public comment. The amendment made no changes in the management measures or specifications of optimum yield, domestic harvesting capacity or total allowable level of foreign fishing established in the 1978 FMP.

No comments were received on the amendment. No proposed regulations were published because the implementing regulations are unchanged from the regulations applicable to fishing for Tanner crab during 1978. The effect of this action is to repromulgate the 1978 regulations for the period from January 1, 1979 through October 31, 1979.

The regulations for 1979 are effective immediately for the following reasons:

(1) Lack of public comment indicates that the amendment raises no controversial issues;

(2) The regulatory measures imposed are unchanged from 1978, and no time is required to adjust to new requirements; and

(3) U.S. vessels fish for Tanner crab year-round, and the interest of conservation of the resource may be endangered if regulations are allowed to lapse.

The Assistant Administrator for Fisheries has determined that extending the effective date of the FMP and implementing regulations through October 31, 1979.

(1) Is necessary and appropriate to the conservation and management of Tanner crab resources off the coast of Alaska;

(2) Is consistent with the National Standards and other provisions of the Act and other applicable law;

(3) Does not constitute a major Federal action requiring the preparation of an environmental impact statement; and

(4) Does not require the preparation of a regulatory impact analysis under Executive Order 12044.

Because the applicable regulations were published in December 1978, the text is readily available and will not be republished at this time.

50 CFR 611.91 (43 FR 59292, 59320 December 19, 1978) applicable to vessels of foreign nations, and 50 CFR Part 671 (43 FR 57150, December 6, 1978) applicable to vessels of the United States, are extended for the period from January 1, 1979 through October 31, 1979.

Signed in Washington, D.C., this 28th day of December 1978.

WINFRED H. MEIBOHM,
Acting, Executive Director, National Marine Fisheries Service.

[FR Doc. 79-360 Filed 1-3-79; 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.

[3410-05-M]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

1979 CROP FLAXSEED PRICE SUPPORT PROGRAM

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture is preparing to make determinations with respect to the price support program for 1979-crop flaxseed. These determinations are to be made pursuant to the Agricultural Act of 1949, as amended. The program will enable producers to obtain price support on 1979-crop flaxseed. Written comments are invited from interested persons.

DATES: Comments must be received on or before March 5, 1979, in order to be sure of consideration.

ADDRESSES: Acting Director, Production Adjustment Division, ASCS, USDA, Room 3630, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Harry A. Sullivan (ASCS) (202) 447-7951.

SUPPLEMENTARY INFORMATION: A. *Price support program and price support rate.* The Agricultural Act of 1949, as amended, authorizes the Secretary to make price support available to producers of flaxseed through loans, purchases or other operations at a level not in excess of 90 percent of the parity price. The Act requires that, in determining whether price support shall be made available and in determining the level of support, consideration be given to the supply of the commodity in relation to the demand therefore, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, in importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through such an operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in the line with demand.

B. *Price support program availability dates.* The purchase availability dates for 1978-crop flaxseed are May 31, 1979, for Minnesota, North Dakota, South Dakota, and Montana, and April 30, 1979, for all other States.

C. *Detailed operating provisions.* Detailed operating provisions under which the present program for flaxseed is being carried out may be found in the regulations in Part 1421 of Title 7 of the Code of Federal Regulations.

PROPOSED RULE

The Secretary of Agriculture is considering the following determinations for 1979-crop flaxseed:

A. Whether price support shall be made available on 1979-crop flaxseed and the method of support.

B. The level of support to be established, and differentials for quality location, and other factors. It is contemplated that support rates for flaxseed will reflect market differentials under which flaxseed is merchandised (area and grade for instance).

C. Price support program availability dates.

D. Detailed operating provisions to carry out the program. Prior to making these determinations, consideration will be given to any data, views and recommendations submitted in writing to the Acting Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250. All comments will be made available to the public at the office of the Acting Director, Production Adjustment Division, ASCS, USDA, during regular business hours (8:15 a.m. to 4:45 p.m.), Monday through Friday, in room 3630, South Building, 14th and Independence Avenue, S.W., Washington, D.C. (7 CFR 1.27 (b)).

NOTE: An approved Draft Impact Analysis is available for Harry A. Sullivan (ASCS) 202-447-7951.

NOTE: Based on an assessment of the environment impacts of the proposed action, it has been determined that an Environmental Impact Statement need not be prepared since the proposals will have no significant effect on the quality of the human environment.

Signed at Washington, D.C. on December 28, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 79-314 Filed 1-3-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R-0195]

TRUTH IN LENDING

Calculation and Disclosure of Annual Percentage Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed revisions to Regulation Z regarding methods of calculating and disclosing annual percentage rates.

SUMMARY: This notice solicits comment on the requirements of Regulation Z with regard to the degree of precision and treatment of payment schedule variations in the calculation and disclosure of the annual percentage rate. The Board is reviewing the existing provisions in order to ascertain what changes, if any, may be necessary to provide greater uniformity and simplicity in the determination of this credit term. This publication describes certain problems, together with possible alternative solutions, and invites comment on these and other aspects of the annual percentage rate provisions. Specific regulatory changes resulting from this review will be proposed for comment at a later time.

DATE: Comments must be received on or before March 5, 1979.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Dolores S. Smith, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412).

SUPPLEMENTARY INFORMATION: The Truth in Lending Act requires the Board to prescribe rules for determining and disclosing the annual percent-

age rate, as a measure of the cost of credit for consumer credit transactions. The present rules permit numerous variations in the computation methods. These variations result in a lack of uniformity which deprives consumers of a standard measure for comparing credit sources. Additionally, these variations cause uncertainty for creditors and difficulties in enforcement.

The Board believes that the present lack of uniformity arises primarily from the ways in which Regulation Z deals with two issues: (1) the degree of precision required in calculating and disclosing the annual percentage rate and (2) the treatment of irregularities in payment amounts and periods. The first issue relates both to the number of decimal places employed in computation and disclosure and to the limitation of disclosure options to either an exact or a rounded rate. The second issue involves the manner in which the creditor either takes specific account of variations in the payment schedule or, to the extent permitted, ignores those variations in computing the annual percentage rate.

Resolution of these issues may require a wide range of regulatory actions, including amendment or revocation of various provisions of the regulation, revocation and substitution of Board interpretations, and revisions of Supplement I and Volume I of the Board's Annual Percentage Rate Tables. In considering such extensive changes, the Board wishes to encourage a thorough public discussion which will address the likely impact of those changes and the extent to which commenters perceive the need for any changes at all. This notice describes specific problems which the Board has identified in the present annual percentage rate provisions and sets forth possible methods of resolving those problems. The options presented for each issue may not be mutually exclusive, nor do they constitute the only remedies which the Board might consider. After analysis of the comments received on this matter, the Board will determine which courses of action, if any, merit further consideration, and will propose for comment specific regulatory language to implement those changes.

The Board believes that all of the options discussed below could be implemented on the basis of its rulemaking authority under §§ 105 and 107 of the Truth in Lending Act, but welcomes comment on this matter as well.

I. Tolerance

The annual percentage rate for any credit transaction may be disclosed, under the existing rules, as an exact figure or rounded to the nearest one-quarter per cent. A number of methods for determining annual percentage rates are authorized by the current provisions of Regulation Z and various Board and staff interpretations. However, creditors disclosing a rate between these "Correct" rates could find themselves in violation of the regulation. For example, using one authorized computation procedure, a creditor might obtain an annual percentage rate of 9.13 per cent. Using another permitted calculation technique for the same transaction, the creditor might determine the annual percentage rate to be 9.20 per cent. Disclosure of either of these rates or a rounded rate of 9.25 per cent would be permissible but a creditor disclosing 9.23 per cent would be in violation of the regulation if 9.23 per cent was not determined by a specifically sanctioned computation method.

Another shortcoming of the rounding option is that the degree of protection afforded creditors is not uniform, since the margin of error diminishes as the true annual percentage rate approaches the quarter per cent. For example, an annual percentage rate of 9.12 per cent may be rounded down .12 percentage points to 9.00 per cent, while a 9.01 annual percentage rate may be rounded down only .01 percentage points.

Finally, where the exact annual percentage rate lies extremely close to the midpoint of the one-quarter per cent range, determining whether to round up or down to the nearest quarter of one per cent becomes an almost impossible task. For example, where the true annual percentage rate is near 9.125 per cent, an error of less than one thousandth of one per cent could result in an understatement at 9.00 per cent or an overstatement at 9.25 per cent.

In order to facilitate compliance and eliminate the inequities associated with the current rounding option, the Board is considering replacing this provision with a rule providing a tolerance for minor variations in rate computation methods and insignificant errors in disclosed annual percentage rates. In view of the complexities involved in establishing a workable rule, the Board requests comment on the following questions:

1. Should the tolerance be the same for overstatements and understatements, or should a greater tolerance be permitted for overstatements?

One argument for allowing a greater tolerance for overstatements is evidence indicating the existence of certain technical difficulties involving the production and use of rate charts and tables. These difficulties tend to produce substantial overstatements.

2. How much tolerance should be allowed? Should the tolerance prescribed be stated as a fixed amount (e.g., within one eighth of a percentage point from the true rate) or as a variable amount (e.g., as a percentage of the true rate)?

3. Should the same tolerance be prescribed for both closed end and open end credit transactions?

4. Should distinctions be made on the basis of length of maturity, credit amount, or other such factors? For example, should the same tolerance prescribed for a credit transaction of $1,000 maturing in one year also be applicable to a $50,000 credit extension with a maturity of thirty years?

5. Should distinctions be made between rates produced by charts and tables and those generated by potentially more accurate devices, such as computers and calculators?

6. How should the occasional slight differences between rates produced by the United States Rule and those produced by the actuarial method be accounted for in prescribing a tolerance?

Since application of the United States Rule sometimes produces a higher rate that the actuarial method for a given amount of finance charge, one alternative might be to measure the degree of overstatement allowed from the rate produced by the former method and determine the degree of permissible understatement based on the latter method.

7. Should the tolerance prescribed apply uniformly to all computation methods or should different treatment continue to be provided, as in the following cases:

(a) Charts and tables applicable to specific ranges or brackets of balances under § 226.5(c)(2)(iv) and

(b) The single add-on rate transaction method under Board Interpretation § 226.502.

8. Is the constant ratio method of rate computation authorized under § 226.5(c) still needed, or could this provision be deleted?

9. Should use of Volume I of the Board's Annual Percentage Rate Tables be restricted to transactions for which the annual percentage rate produced falls within the tolerance to be prescribed?

10. Are there other factors that the Board should consider in establishing a rule allowing a tolerance in annual percentage rate computations?

II. Number of Decimal Places

Presently, neither the Act nor the regulation provides definitive rules regarding the degree of precision required at various stages in the annual percentage rate computations or for disclosure purposes. Although such guidelines are contained implicitly in Supplement I to Regulation Z and in various Public Information Letters, the absence of specific requirements is

a source of confusion in both open end and closed end credit.

The number of decimal places to which calculations are carried throughout the rate computation process drastically affects the accuracy of the disclosed annual percentage rate. Certain practices, including truncation or rounding of "significant" digits at interim steps in the calculation process, frequently result in significant distortions in the disclosed annual percentage rate. To eliminate this problem, the Board is considering adoption of a rule requiring disclosed annual percentage rates for all credit transactions to be rounded to two decimal places. In arriving at such rates, calculator and computer programs would be expected to carry all available digits throughout the calculations, rounding only the final result to two decimal places. Similarly, charts and tables would be required to provide listed factors that permit a determination of the annual percentage rate rounded to two decimals.

In open end credit, periodic rates used to compute the finance charge are also required to be disclosed. In this regard, the Board is considering adopting a rule requiring disclosure of the exact periodic rate applied.

III. Ignoring Irregularities

Regulation Z currently contains three "minor irregularities" provisions: § 226.5(d) and Board Interpretations §§ 226.503 and 226.505. These sections permit creditors to disregard certain variations in payment amounts and payment periods for purposes of determining the annual percentage rate, the amount of the finance charge, or both. That is, where the first payment period differs from the subsequent periods by no more than a specified number of days or where any one payment differs from the other payments by no more than a specified per cent, creditors have been permitted to ignore such variations, treating the odd period or amount as though it were regular.

Use of the minor irregularities provisions necessarily creates distortion in the annual percentage rate and the finance charge disclosed insofar as they allow that which is irregular to be treated as regular. Although the provisions were designed to minimize the distortion by limiting their applicability to differences within certain specified ranges, the variations produced can be considerable. This distortion is proportionately greater in short term transactions. For example, using the minor irregularities option, a variation of 10 days in the length of the first period in a transaction payable monthly will cause the annual percentage rate for a six month transaction to vary by approximately 10 per cent of the true rate; a one year transaction, approximately 5 per cent of the true rate; a two year transaction, approximately 2½ per cent of the true rate; a five year transaction, approximately 1 per cent of the true rate; and a thirty year transaction, approximately ⅛ per cent of the true rate.

The variability is increased by the fact that creditors are free to take advantage of the provisions when it is to their benefit to do so (e.g., treating short periods as regular) and to disregard them when it is advantageous to take specific account of irregularities (e.g., a long period). The variability is further increased by the fact that, for a given transaction, a lender has the option of using the minor irregularities provisions for both the annual percentage rate and the finance charge, for one and not the other, or for neither one.

The variation in rates and charges thus obtained under the current minor irregularities rules creates several problems. First, it impairs comparability of what are intended to be the two most important items of credit information to consumers, thus hampering credit shopping. It also considerably complicates administrative enforcement, in that examiners attempting to verify disclosed information must perform numerous calculations to see whether any one of several permissible approaches might yield the disclosed annual percentage rate or finance charge. Finally, due to their fairly technical nature, these provisions are often misunderstood.

In light of these considerations, the Board would like to receive public comment on the following options:

Option 1. Eliminate the current minor irregularities provisions altogether.

One argument in favor of this option, aside from those noted above with regard to the variety of results permitted, is that the need for these provisions has been greatly reduced as the sophistication and availability of tools capable of producing exact rates and charges have increased. The need for the protection offered by these provisions would be further reduced if certain other options suggested in this proposal are adopted. For example, if a uniform method of dealing with irregular periods is specified (see Section IV below), the task of accounting for the most common irregularity would be simplified. Allowance of a specified tolerance in the annual percentage rate accuracy requirement (see Section I above) could also minimize the need for the current minor irregularities provisions. If, for instance, there are irregularities which are truly so minor that ignoring them results in an annual percentage rate close enough to the true rate to fall within the specified tolerance, a creditor could continue to ignore those irregularities without violating the regulation.

An argument against Option 1 is that the minor irregularities provisions appear to be widely relied upon by creditors. Their elimination would put a greater burden on creditors to take specific account of payment schedule irregularities, even in those cases where the irregularities are caused by a desire to accommodate customer preferences (e.g., scheduling the first payment to coincide with a payday).

Option 2 Revise the minor irregularities provisions to permit only *overstatements* of the annual percentage rate and finance charge.

Within this option, several further choices could be made, for example:

(a) Should the provisions apply to both periods and payment amounts or just to periods? Under the latter, for example, the extra days in the period from the transaction date to the first payment could be ignored, but any variation in payment amount would have to be reflected.

(b) Should the provisions apply to both the annual percentage rate and the finance charge or to just one, for example, the annual percentage rate (so that irregularities could be disregarded for rate computation purposes, but the exact dollar amount of finance charge would have to be disclosed)? If applicable to both the annual percentage rate and the finance charge, should the creditor be required, for a given transaction, to use the minor irregularities provisions for both annual percentage rate and finance charge if it chooses to use it for either one?

(c) Should the "degree" of irregularity be limited in some way as in the current provisions (e.g., for a transaction payable monthly, allow a period of not more than 50 days to be treated as if it were regular)?

Since one of the problems with the current provisions is the variety of rates and charges they permit to be disclosed, this option would have the advantage of decreasing the number of permissible disclosures. In addition, customers would never be told that the rate or charge was lower than it actually was. Moreover, since creditors would be making disclosures that might put them at a competitive disadvantage (because they would be disclosing an annual percentage rate or finance charge higher than that actually imposed), use of the provision would be discouraged in competitive markets.

A major argument against this option is that such a provision would continue to allow inaccurate statements of the annual percentage rate

and finance charge, thus impeding comparison shopping.

Option 3 Leave the substance of the current minor irregularities provisions unchanged, making only editorial revisions.

The provisions presently appear in three separate places in the regulation and Board interpretations. At a minimum, the rules could be restated more clearly in a single location.

Option 4 Adopt a new provision to allow slight payment schedule variations arising from particular practices to be disregarded in determining and disclosing the annual percentage rate, finance charge and schedule of payments.

There are a number of very slight payment schedule irregularities which arise from valid (even necessary) business practices, and which affect, however negligibly, the amount of certain required disclosures. One such irregularity is the difference between the final payment and all other payments in a simple interest loan, which difference results from the rounding of payment amounts to whole cents. This slight irregularity in the payment schedule is unavoidable, since creditors cannot collect fractions of pennies. Under the current regulation, however, a technical violation could result unless the precise amount of that final payment were computed and disclosed, and the finance charge adjusted accordingly.

Another example arises in certain transactions in which interest is paid on the outstanding balance and payments are made by payroll deduction. Although paydays may be scheduled, for example, on the 15th and the last day of the month, the employer may have a policy of advancing the payday if one of those dates falls on a Saturday, Sunday or holiday. The payment schedule would have occasional slight variations due to this practice as well as to the fact that the last day of the month varies. Under the current regulation, the creditor could not assume a uniform semi-monthly payment schedule, but would have to take account of the advanced payment dates.

The impact of such slight variations on the annual percentage rate may be small enough to allow such variations to be disregarded without causing the rate to fall outside the annual percentage rate tolerances discussed in Section I above. However, there are other non-rate disclosures, e.g., finance charge and total of payments, that are also affected by these variations. Option 4 would permit such variations to be ignored for disclosure purposes.

The Board would like public comment on whether such a provision would be appropriate and, if so, whether there are other similar practices resulting in slight payment schedule variations which should properly be included in the provision.

IV. Accounting for Irregularities

An irregularity occurs when an interval between advances or payments in a transaction is shorter or longer than the unit-period for that transaction. A unit-period is that time interval between advances or payments which occurs most frequently in the transaction. In the most common case, an odd first period is created when a transaction is consummated on a date which does not fall exactly one unit-period prior to the first payment or advance date. In cases where the minor irregularities provisions do not apply, or where the creditor chooses to account for these irregularities, the creditor must determine the number of days in the odd period and relate that number to a regular period.

Since no single method has ever been specified for making this calculation, creditors use a variety of methods. Among the methods commonly used by creditors to determine the length of an odd period are counting the actual number of days, counting on the basis of an assumed 30-day month and counting months and days in the period. The possible variations thus produced are further compounded by the creditor's choice of options in determining the fractional value of the odd days, which may be related either to 30 (assuming a standard month of 30 days) or to 365/12 (dividing the number of days per year by the number of months). These seemingly minor differences in accounting for odd days may produce significant variations in the resulting annual percentage rates.

The Board is considering the revision of Supplement I to specify a uniform method for determining the number of odd days and relating that number to a regular unit-period. In transactions involving a unit-period of a month, one suggested method is first to determine the number of whole months in the odd period by working back from the calendar date of an advance or payment to the corresponding calendar date in the previous month, and then to count forward the exact number of days from the beginning of the odd period to the first calendar date corresponding to the date of the payment or advance, as applicable. For example, in a transaction consummated on January 5 with the first monthly payment due on February 23, the creditor would count back from February 23 to January 23 as one full unit-period, and then count forward from January 5 through January 23, thus determining that there are 18 odd days in the first period. If this approach were adopted, Supplement I would also specify uniform rules for transactions involving other unit-periods.

Although this issue might assume greater importance if the minor irregularities provisions discussed above were revoked, it should be emphasized that retention of those provisions would not eliminate this issue. Odd periods must continue to be accounted for in those transactions in which the minor irregularities option is not chosen, or in which the number of odd days is beyond the ranges now permitted to be ignored.

V. Reliance on Charts and Tables

Under § 226.5(c)(3), an annual percentage rate or finance charge error that results from an error in the chart or table used by the creditor does not constitute a violation of Regulation Z, subject to certain conditions. Two issues have arisen regarding this provision. First, calculators and computer software are now used extensively for computation purposes, in substitution for charts and tables. However, as written, § 226.5(c)(3) appears to be available solely to users of charts and tables. Second, the Board's statutory authority for implementing this section, which protects creditors against civil liability under § 130 of the Truth in Lending Act, has been questioned.

The Board is considering the following alternative courses of action to resolve these issues:

Option 1 Rescind § 226.5(c)(3), making creditors using any computation tool equally liable for finance charge and annual percentage rate errors, without regard to the source of those errors.

Advances over the past ten years in calculator technology and chart production may warrant elimination of § 226.5(c)(3). This option would also accomodate, in the simplest and most direct fashion, the concerns expressed regarding both the unequal availability of the protection afforded by the present rule and the Board's authority to promulgate it.

Option 2 Amend § 226.5(c)(3) to extend its protection to any creditor using faulty software or a faulty calculator acquired or produced in good faith.

If this option is pursued, the Board may consider conditioning the availability of this protection on certain requirements, such as the maintenance of procedures reasonably adapted to detect or avoid errors and the adjustment of customers' accounts to correct such errors.

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, comments or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve

System, Washington, D.C. 20551, to be received no later than March 5, 1979, and should include the docket number R-0195. The material submitted will be made available for public inspection and copying, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 C.F.R. 261.6(a)).

By order of the Board of Governors, December 22, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 79-345 Filed 1-2-79; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 18606]

AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault—Breguet Aviation Falcon 10

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive that would require modification of the passenger door control mechanism, on certain Avions Marcel Dassault Falcon 10 airplanes, by adding a sensor device and associated annunicator light to provide pilots with a visual indication that the passenger door control mechanism is fully engaged and by installing a protective guard around the door control pushbotton unlock mechanism. The proposed AD is needed to prevent the inadvertent opening of the door in flight due to its not being fully engaged or by inadvertent bumping of the unlock pushbotton.

DATES: Comments must be received on or before February 19, 1979.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 18606, 800 Independence Avenue, S.W., Washington, D.C. 20591. The applicable service bulletin may be obtained from: Falcon Jet Corporation, 90 Moonachie Ave., Moonachie, New Jersey 07074. A copy of the service bulletin is contained in the Rules Docket, Rm 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Don C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

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

There has been one report of flight operations conducted where the passenger door control mechanism was unlocked although door "closed" indicators indicated a safe condition. The FAA has determined that the possibility of an inadvertent in-flight opening of the passenger door on certain Avions Marcel Dassault Falcon 10 airplanes is increased because it is possible to get passenger door closed indication with the passenger door control mechanism unlocked or not fully engaged. Furthermore, the passenger door control mechanism unlocking pushbotton is not protected from inadvertent bumping by persons moving about in the cabin. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require installation of a microswitch sensor on the passenger door control mechanism and associated electrical circuitry to a "CABIN" annunciator light in the cockpit and the installation of a transparent cup around the passenger door control mechanism unlocking pushbotton on certain Falcon 10 airplanes.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation regulations 914 CFR 39.13) by adding the following new Airworthiness Directive:

AVIONS MARCEL DASSAULT—BREGUET AVIATION. Applies to Falcon 10 airplanes, Serial Numbers 1 through 122 except 118 and 121, certificated in all categories.

Compliance is required within the next 500 hours time in service after the effective date of this AD, unless already accomplished. To prevent inadvertent unlocking of the passenger door in flight, accomplish the following:

(a) Modify the passenger door control mechanism by installing a microswitch connected to a cockpit annunciator "CABIN" light and install a transparent cup around the passengers' door control mechanism unlocking pushbotton in accordance with Avions Marcel Dassault (AMD) Service Bulletin AMD-BA F10-0163 dated May 17, 1978, at Revision 1 dated June 9, 1978, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium.

(b) Revise the airplane maintenance manual and illustrated parts catalog for modifications performed in complying with paragraph (a) of this AD.

(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 11.85).

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

Issued in Washington, D.C., on December 26, 1978.

C. A. MCKAY,
Acting Director,
Flight Standards Service.

[FR Doc. 79-211 Filed 1-3-79; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-RM-25]

ESTABLISHMENT AND ALTERATION OF TRANSITION AREAS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) proposes to establish a 700' transition area at Wagner, South Dakota, and lower the 9,500' floored airspace to a 1,200' transition area at Mitchell, South Dakota, to provide controlled airspace for aircraft executing the new NDB runway 26 standard instrument approach procedure developed for the Wagner Municipal Airport, Wagner, South Dakota.

DATES: Comments must be received on or before January 29, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. A public docket will be available for examination by interested persons in the office of the Regional Counsel, Feder-

al Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber/Pruett B. Helm, Airspace and Procedures Specialists, Operations, Procedures and Airspace Branch (ARM-530), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

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 be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

AVAILABILITY OF NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. 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 procedure.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing a 700' transition area at Wagner, South Dakota and altering the 9,500' floored airspace to a 1,200' transition area at Mitchell, South Dakota to provide controlled airspace for aircraft executing the new NDB runway 26 standard instrument approach procedure developed for the Wagner Municipal Airport, Wagner, South Dakota.

At present, the Wagner Municipal Airport is Visual Flight Rule (VFR) only. As a result of the new NDB runway 26 standard instrument approach procedure developed for the Wagner Municipal Airport, it is necessary to change the status of subject airport VFR to Instrument Flight Rule (IFR) and develop a 700' and 1,200' transition area to provide controlled airspace for aircraft executing the NDB runway 26 standard instrument approach procedure. The 1,200' transition area will be expanded to include controlled airspace which is presently floored at 9,500' and will provide additional controlled airspace for air traffic control purposes and charting clarity.

It is proposed to make the establishment of the transition areas coincident with the effective date of the new standard instrument approach. Accordingly, the Federal Aviation Administration proposes the following amendments to Subpart g of part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

By amending 71.181 so as to establish and alter the following transition area to read:

WAGNER, SOUTH DAKOTA

That airspace extending upward from 700' above the surface within a 5 mile radius of the Wagner Municipal Airport (latitude 43°03'33"N., longitude 98°17'31"W.) and within 3 miles each side of the 086° bearing from Wagner Municipal Airport extending from the 5 mile radius area to 8 miles east of the airport.

MITCHELL, SOUTH DAKOTA

• • • and that airspace extending upward from 1,200' above the surface within 4.5 miles southwest and 9.5 miles northeast of the Mitchell VOR, latitude 43°46'37"N., longitude 98°02'14"W., 149° radial, extending from the VOR to 18.5 miles southeast of the VOR; and within 4.5 miles northeast and 9.5 miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 18.5 miles northwest of the VOR; and that airspace southwest of Mitchell within the area bounded on the east by V-159, on the south by V-148 and Nebraska/South Dakota state-line, on the west by a line from latitude 43°00'00"N., longitude 99°00'00"W., direct to latitude 44°00'00"N., longitude 99°43'00"W., and on the north by the Pierre, South Dakota 1,200' transition area and V-120.

DRAFTING INFORMATION

The principal authors of this document are Joseph T. Taber/Pruett B. Helm, Air Traffic Division, and Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

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 and OMB Circular A-107.

Issued in Aurora, Colorado on December 19, 1978.

M. M. MARTIN,
Director,
Rocky Mountain Region

[FR Doc. 79-212 Filed 1-3-79; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-RM-33]

ALTERATION OF TRANSITION AREA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to alter the Williston, North Dakota 1,200' transition area to provide controlled airspace for aircraft executing the new RNAV runway 29 standard instrument approach procedure developed for the Sloulin Field International Airport, Williston, North Dakota.

DATES: Comments must be received on or before January 17, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber/Pruett B. Helm, Airspace and Procedures Specialists, Operations, Procedures and Airspace Branch (ARM-530), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

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 be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at

this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

AVAILABILITY OF NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. 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 procedure.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Williston, North Dakota 1,200' transition area. The present transition areas are inadequate in size to contain the new RNAV runway 29 standard instrument approach procedure developed for Sloulin Field International Airport, Williston, North Dakota. It is proposed to make the transition area's alteration effective coincident with the effective date of the new standard instrument approach. Accordingly, the Federal Aviation Administration proposes to amend Subpart G of the Federal Aviation Regulations Part 71 (14 CFR Part 71) as follows:

By amending § 71.181 so as to alter the following transition area to read:

WILLISTON, NORTH DAKOTA

* * * and that airspace extending upward from 1,200' above the surface within a 13 mile radius of the Williston VOR, latitude 48°15'12"N., longitude 103°45'01"W., extending from the Williston VOR 203° radial clockwise to the Williston VOR 088° radial, and within 9.5 miles southwest and 4.5 miles northeast of the Williston VOR 316° radial, extending from the 13 mile radius area to 18.5 miles northwest of the VOR, and within 45 miles of the Williston VOR extending clockwise from V-430 to V-439.

DRAFTING INFORMATION

The principal authors of this document are Joseph T. Taber/Pruett B. Helm, Air Traffic Division, and Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

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 and OMB Circular A-107.

Issued in Aurora, Colorado on December 19, 1978.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc. 79-213 Filed 1-3-79; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-55]

PROPOSED DESIGNATION OF TRANSITION AREA: GRUVER, TEX.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Gruver, Tex., to provide controlled airspace for aircraft executing a proposed instrument approach procedure to the Gruver Municipal Airport using a nondirectional radio beacon (NDB) to be located on the airport.

DATES: Comments must be received by February 5, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. The official docket may be examined at the following location: Office of the Regional Counsel, Southwest region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas. An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

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

COMMENTS INVITED

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before February 5, 1979 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Gruver, Tex. The FAA believes this action will enhance IFR operations at the Gruver Municipal Airport by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the NDB to be located on the airport. Subpart G of Part 71 was republished in the Federal Register on January 3, 1978 (43 FR 440).

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes

to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) by adding the Gruver, Tex., transition area as follows:

GRUVER, TEX.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Gruver Municipal Airport (latitude 36°14'12" N., longitude 101°25'56" W.); within 3.5 miles each side of the NDB (latitude 36°14'01" N., longitude 101°25'42" W.) 019° bearing extending from the 5.5-mile radius area to 11.5 miles north of the NDB.

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

NOTE:—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 3, 1978).

Issued in Fort Worth, Texas, on December 20, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 79-216 Filed 1-3-79; 8:25 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 450]

ADVERTISING FOR OVER-THE-COUNTER DRUGS

Publication of Presiding Officer's Report Regarding Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Publication of Presiding Officer's Report.

SUMMARY: On September 16, 1976, the presiding officer published in the FEDERAL REGISTER final notice of the proposed trade regulation rulemaking proceeding. The presiding officer's report, required by the Commission's Rules of Practice for Rulemaking consisting of his summary, findings and conclusions with regard to the issues designated by him in this proceeding has been made public and placed on the public record.

DATE: The 60-day period which the Commission's Rules of Practice for rulemaking provide for public comment on both the report by the presiding officer and the report of the staff will not commence until the staff's report has been made public and placed on the public record.

ADDRESS: Copies of the Presiding Officer's report may be obtained by writing a request to the Federal Trade Commission/SSD, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Roger J. Fitzpatrick, Presiding Officer, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-724-1045.

SUPPLEMENTARY INFORMATION: On September 16, 1976, the presiding officer published in the FEDERAL REGISTER (41 FR 39768) final notice of the proposed trade regulation rulemaking proceeding. The presiding officer's report, required by the Commission's Rules of Practice for rulemaking (16 CFR 1.13(f)) consisting of his summary, findings and conclusions with regard to those issues designated by him, has been made public and placed on Public Record 215-51. A limited number of copies of the presiding officer's report have been printed for distribution; to obtain a copy, address a request to the Federal Trade Commission/SSD, Washington, D.C. 20580.

When completed, the staff's report on the rulemaking record and its recommendations to the Commission also will be made public and notice thereof published in the FEDERAL REGISTER. The 60-day period which the Rules of Practice for Rulemaking (16 CFR 1.13(g)) provide for public comment on both the report by the presiding officer and the report of the staff will not commence until the staff's report has been made public and placed on the public record. Comment on the presiding officer's report alone would be considered premature at this time. The presiding officer's report has not been reviewed or adopted by either the Bureau of Consumer Protection or the Commission itself and its publication should not be interpreted as reflecting the present views of the Commission or any individual Commissioner.

Issued: January 3, 1979.

ROGER J. FITZPATRICK,
Presiding Officer.

[FR Doc. 79-318 Filed 1-3-79; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

[22 CFR Part 211]

[A.I.D. Regulation 11]

TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT, AND OTHER ASSISTANCE

Proposed Revision in Requirements

AGENCY: Agency for International Development (AID).

ACTION: Proposed rules.

SUMMARY: These proposed rules would amend A.I.D. Regulation 11, Transfer of Food Commodities for use in disaster relief and economic development, and other assistance, to conform it to amendments made to Title II of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), by the International Development and Food Assistance Act of 1977 (Pub. L. 95-88) and the Food and Agriculture Act of 1977 (Pub. L. 95-113); would add new provisions regarding responsibilities of voluntary agencies and commercial freight forwarders with respect to receipt and handling of Title II commodities at ports of export, requirements for surveying of bulk grain shipments, authority to reimburse voluntary agencies for costs of rebagging commodities in foreign countries, and modifications in record-keeping requirements for Title II emergency programs; and would make other minor changes in the regulation.

DATES: comments on these proposed rules must be received on or before February 5, 1979.

ADDRESS: Comments should be submitted to: Ms. Jessie C. Vogler, Office of Food for Peace, Bureau for Private and Development cooperation, Room 540, P.P. Bldg., Agency for International Development, Department of State, Washington, D.C. 20523.

FOR FURTHER INFORMATION, CONTACT:

Ms. Jessie C. Vogler, at the above address or by phone at (703) 235-9213 or 9214.

SUPPLEMENTARY INFORMATION: Under provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), A.I.D. is authorized to provide agricultural commodities to foreign governments, U.S. and foreign Voluntary Agencies, or intergovernmental organizations to meet famine or other urgent or extraordinary relief requirements, to combat malnutrition, and to promote economic and community development. A.I.D. Regulation 11, 22 CFR Part 211—Transfer of Food Commodities for Use in Disaster Relief and Economic Development, and Other Assistance, contains the regulations prescribing the terms and conditions governing the transfer of U.S. agricultural commodities pursuant to Title II of Public Law 480. A.I.D. Regulation 11 was last published, in its entirety, in the FEDERAL REGISTER on November 1, 1976 (41 FR 47919-47927).

The proposed revisions listed below are intended to update A.I.D. Regulation 11 to reflect amendments to Title II of Public Law 480 contained in the International Development and Food Assistance Act of 1977 (Pub. L. 95-88)

and the Food and Agriculture Act of 1977 (Pub. L. 95-113); to specifically authorize the reimbursement of the costs of rebagging Title II commodities in foreign countries in certain circumstances, and to better delineate the responsibilities of voluntary agencies and freight forwarders with respect to receipt and handling of Title II commodities, both at port of export and at time of arrival at destination port. The principal changes in the regulation are as follows:

1. The statutory excerpts in § 211.1(b), subsections (2) through (7) have been revised to conform them to changes in Public Law 480.

2. Section 211.2(c) has been revised to include foreign non-profit voluntary agencies registered with the Advisory Committee on Voluntary Foreign Aid within the terms "cooperating sponsor." Under the 1977 amendments registered foreign Private Voluntary Organizations (PVOs) were made eligible for receipt of Title II commodities when no registered U.S. Private Voluntary Organization is available to provide such assistance. Section 211.2(r) has also been revised to include foreign nonprofit voluntary agencies within the term "voluntary agency."

3. In Section 211.2(l), the words "expecting and lactating mothers" has been changed to "women of childbearing age" in order to more clearly reflect the intended beneficiaries of maternal pre-school feeding programs.

4. A new § 211.4(b)(3) has been added which delineates the specific responsibilities of voluntary agencies and freight forwarders they employ for cargoes arriving in trucks, rail cars or barges at U.S. loading ports. The new subsection specifies the type of documentation voluntary agencies are responsible for obtaining and other actions which must be taken at the time of arrival of Title II commodities at loading port. This provision would provide immediate information as to the condition of commodities and packaging upon arrival at foreign destination and would assist in determining the liability if and when any losses occur.

5. Section 211.4(c)(3) has been revised by deleting language relating to general average contributions, which is relocated to § 211.9(h); and adds new provisions authorizing reimbursement of ocean freight charges to inland points of entry in four situations. Regulation 11 and Section 203 of Public Law 480 previously authorized reimbursement to points of entry other than ports only in the case of landlocked countries.

6. Section 211.4(e), General Average, has been relocated to § 211.9(h) and § 211.4 (f) and (g) redesignated (e) and (f), respectively.

7. New provisions have been added to § 211.5(a) requiring, as part of cooperating sponsor program descriptions, information from which determination can be made that Title II programs will not have a disincentive effect on the domestic agricultural production of the recipient country and that adequate storage will exist for Title II commodities in the recipient country. Amendments to Public Law 480 now require such determinations to be made before Title II commodities may be made available.

8. Section 211.5(b) has been revised to include foreign private voluntary organizations in the requirement for a local representative responsible to such organization for the supervision and control of the program within the country of distribution.

9. A new § 211.7(e) has been added which authorizes the reimbursement of the costs (up to $500.00) of rebagging Title II commodities in a foreign country by cooperating sponsors when necessary to ensure that the commodity arrives at the distribution point in wholesome condition. Such costs exceeding $500.00 may be authorized by the USAID or Diplomatic Post in advance of repackaging unless such prior approval is specifically waived in writing. This new reimbursement authority was added because of Title II of Pub. L. 480 explicitly declares that one of the primary purposes of the Food for Peace Program is the use of the abundant agricultural productivity of the United States to combat hunger and malnutrition. The failure to repackage commodities held in damaged bags could well result in the loss of such items to the program itself.

10. Section 211.9(c)(1)(ii), relating to ocean carrier loss and damage, has been revised to more clearly state the responsibilities of cooperating sponsors with respect to the conduct of independent cargo surveys in the case of discharge of bulk grain shipments. Section 211.9(c)(1)(iv), which provides for a location for submitting certain reports, has been deleted and § 211.9(c)(1)(v) redesignated 211.9(c)(1)(iv).

11. Section 211.9(c)(2)(ii)(e) has been modified to raise from $400 to $600 the upper limit of a claim that voluntary agencies may terminate collection activity on without the prior approval of the Commodity Credit Corporation.

12. A new § 211.9(h) has been added consolidating in one place provisions regarding the handling of general average claims. This Section is substantially the same as the present § 211.4(e).

13. A new § 211.10(b)(5) and an additional sentence has been added to § 211.10(c) regarding reporting requirements and auditing for Title II emergency programs in which normal record-keeping requirements cannot be followed because of the emergency nature of the program. The new provision permits the Mission concerned to authorize alternative record-keeping methods if necessary which provide, nevertheless, for the recording of essential information necessary to account for Title II commodities in such situations. Inspections and audits of emergency programs are to take into account the circumstances under which such programs are carried out.

14. Other grammatical or minor confirming revisions have been made to Sections 211.5(c)(2), 211.7(a), 211.7(c), 211.9(c)(1)(iii), 211.9(c)(2)(ii)(a), 211.9(c)(2)(ii)(b) (1) and (2), 211.9(c)(2)(iii), 211.9(g), and 211.10(b)(2). Because of the substantial revisions proposed, the proposed A.I.D. Regulation 11, as revised, is printed below in its entirety.

It is proposed to revise 22 CFR Part 211 to read as follows:

PART 211—TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT, AND OTHER ASSISTANCE

Sec.

211.1 General purpose and scope.
211.2 Definitions.
211.3 Cooperating sponsor agreements.
211.4 Availability of commodities.
211.5 Obligations of cooperating sponsors.
211.6 Processing, repackaging, and labeling commodities.
211.7 Arrangements for entry and handling in foreign country.
211.8 Disposition of commodities unfit for authorized use.
211.9 Liability for loss and damage or improper distribution of commodity.
211.10 Records and reporting requirements of cooperating sponsor.
211.11 Termination of program.
211.12 Waiver and amendment authority.

AUTHORITY: Secs. 105, 201, 202, 203, and 305, Agricultural Trade Development and Assistance Act of 1954, as amended, 7 U.S.C. 1705, 1721, 1722, 1723, and 1693; 68 Stat. 454, as amended.

SOURCE: A.I.D. Reg. 11, 41 FR 47919, Nov. 1, 1976, unless otherwise noted.

§ 211.1 General purpose and scope.

(a) *Terms and conditions.* This Part 211 contains the regulations prescribing the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations (except the World Food Program and United Nations Relief and Works Agency) pursuant to Title II, the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480, 83rd Congress, as amended).

(b) *Legislation.* The legislation implemented by the regulations in this part is as follows:

(1) Section 2(3) of the Agricultural Trade Development and Asssistance Act of 1954, as amended, provides that in furnishing food aid, the President shall:

relate United States food assistance to efforts by aid-receiving countries to increase their own agricultural production, with emphasis on development of small, family farm agriculture, and improve their facilities for transportation, storage, and distribution of food commodities.

(2) Section 201 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

(a) The President is authorized to determine requirements and furnish agricultural commodities on behalf of the people of the United States of America, to meet famine or other urgent or extraordinary relief requirements; to combat malnutrition, especially in children; to promote economic and community development in friendly developing areas, and for needy persons and nonprofit school lunch and preschool feeding programs outside the United States. The Commodity Credit Corporation shall make available to the President such agricultural commodities determined to be available under section 401 as he may request.

(b) The minimum quantity of agricultural commodities distributed under this title—(1) for fiscal years 1978 through 1980 shall be 1,600,000 metric tons, of which not less than 1,300,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program; (2) for fiscal year 1981 shall be 1,650,000 metric tons, of which not less than 1,350,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program; and (3) for fiscal year 1982 and each fiscal year thereafter shall be 1,700,000 metric tons, of which not less than 1,400,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program; unless the President determines and reports to the Congress, together with his reasons, that such quantity cannot be used effectively to carry out the purposes of this title: *Provided*, That such minimum quantity shall not exceed the total quantity of commodities determined to be available for disposition under this Act pursuant to section 401, less the quantity of commodities required to meet famine or other urgent or extraordinary relief requirements.

(3) Section 202 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

(a) The President may furnish commodities for the purposes set forth in section 201 through such friendly governments and such agencies, private or public, including intergovernmental organizations such as the World Food Program and other multilateral organizations in such manner and upon such terms and conditions as he deems appropriate. The President shall, to the extent practicable, utilize nonprofit voluntary agencies registered with, and approved by, the Advisory Committee on Voluntary Foreign Aid. If no United States nonprofit voluntary agency registered with and approved by the Advisory Committee on Voluntary Foreign Aid is available, the President may utilize a foreign nonprofit voluntary agency which is registered with and approved by the Advisory Committee. Insofar as practicable, all commodities furnished hereunder shall be clearly identified by appropriate markings on each package or container in the language of the locality where they are distributed as being furnished by the people of the United States of America. Except in the case of emergency, the President shall take reasonable precaution to assure that commodities furnished hereunder will not displace or interfere with sales which might otherwise be made.

(b)(1) Assistance to needy persons under this title shall be directed, insofar as practicable, toward community and other self-help activities designed to alleviate the causes of need for such assistance.

(2) In order to assure that food commodities made available under this title are used effectively, indigenous workers shall be employed, to the extent feasible, to provide information on nutrition and conduct food distribution programs in the most remote villages.

(3) In distributing food commodities under this title, priority shall be given, to the extent feasible, to those who are suffering from malnutrition by using means such as (A) giving priority within food programs for preschool children to malnourished children, and (B) giving priority to the poorest regions of countries.

(4) Section 203 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

The Commodity Credit Corporation may, in addition to the cost of acquisition, pay with respect to commodities made available under this title costs for packaging, enrichment, preservation, and fortification, processing, transportation, handling, and other incidental costs up to the time of their delivery free on board vessels in U.S. ports. Ocean freight charges from U.S. ports to designated ports of entry abroad; transportation from United States ports to designated points of entry abroad in the case (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specific country are unavailable, or (4) where a substantial savings in cost or time can be effected by the utilization of points of entry other than ports; and charges for general average contributions arising out of the ocean transport of commodities transferred pursuant thereto.

(5) Section 204 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides in part as follows:

Programs of assistance shall not be undertaken under this title during any calendar year which call for an appropriation of more than $750,000,000[45] to reimburse the Commodity Credit Corporation for all costs incurred in connection with such programs (including the Corporation's investment in commodities made available) plus any amount by which programs of assistance undertaken under this title in the preceding calendar year have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than were authorized for such purpose during such preceding year.

In addition to other funds available for such purposes under any other act, funds made available under this title may be used in an amount not exceeding $7,500,000 annually to purchase foreign currencies accruing under title I of this Act in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies; and the costs of construction or maintenance of any church owned or operated edifice or any other edifices to be used for sectarian purposes) designed to assure that commodities made available under this title are used to carry out effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes or the need for such assistance: *Provided, however*, That such funds shall be used only to supplement and not substitute for funds normally available for such purposes from other non-United States Government sources.

(6) Section 206 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides in part as follows:

Except to meet famine or other urgent or extraordinary relief requirements, no assistance under this title shall be provided under an agreement permitting generation of foreign currency proceeds unless (1) the country receiving the assistance is undertaking self-help measures in accordance with section 109 of this Act, (2) the specific uses to which the foreign currencies are to be put are set forth in a written agreement between the United States and the recipient country, and (3) such agreement provides that the currencies will be used for increasing the effectiveness of the programs of food distribution and increasing the availability of food commodities provided under this title to the neediest individuals in recipient countries. The President shall include information on currencies used in accordance with the section in the reports required under section 408 of this Act and section 657 of the Foreign Assistance Act of 1961.

(7) Section 401 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

(a) After consulting with other agencies of the Government affected and within policies laid down by the President for implementing this Act, and after taking into account productive capacity, domestic requirements, farm and consumer price levels, commercial exports and adequate carryover, the Secretary of Agriculture shall determine the agricultural commodities and quantities thereof available for disposition under this Act, and the commodities and quantities thereof which may be included in the negotiations with each country. No commodity shall be available for disposition under this Act if such disposition would reduce the domestic supply of such commodity below that needed to meet domestic requirements, adequate carryover, and anticipated exports for dollars as determined by the Secretary of Agriculture at the time of exportation of such commodity, unless the Secretary of Agriculture determines that some part of the supply thereof should be used to carry

out urgent humanitarian purposes of this Act.

(b) No agricultural commodity may be financed or otherwise made available under the authority of this Act except upon a determination by the Secretary of Agriculture that (1) adequate storage facilities are available in the recipient country at the time of exportation of the commodity to prevent the spoilage or waste of the commodity; and (2) the distribution of the commodity in the recipient country will not result in a substantial disincentive to domestic production in that country.

(8) Section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides, in part, as follows:

The term "agricultural commodity" as used in this Act shall include any agricultural commodity produced in the United States or product thereof produced in the United States: *Provided, however,* That the term "agricultural commodity" shall not include alcoholic beverages, and for the purposes of title II of this Act, tobacco or products thereof. Subject to the availability of appropriations therefor, any domestically produced fishery product may be made available under this Act.

(9) Section 404 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

The programs of assistance undertaken pursuant to this Act shall be directed toward the attainment of the humanitarian objectives and national interest of the United States.

(10) Section 405 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

The authority and funds provided by this Act shall be utilized in a manner that will assist friendly countries that are determined to help themselves toward a greater degree of self-reliance in providing enough food to meet the needs of their people and in resolving their problems relative to population growth.

§ 211.2 Definitions.

(a) "AID" means the Agency for International Development or any successor agency, including, when applicable, each USAID. "USAID" means an office of AID located in a foreign country. "AID/W" means the Office of AID located in Washington, D.C.

(b) "CCC" means the Commodity Credit Corporation, a corporate agency and instrumentality of the United States within the U.S. Department of Agriculture.

(c) "Cooperating sponsor" means the foreign government, the U.S. registered nonprofit voluntary agency, the American National Red Cross, or the intergovernmental organization, which enters into an agreement with the U.S. Government for the use of agricultural commodities and/or funds (including local currencies), and which is directly responsible under the agreement for administration and implementation of and reporting on programs involving the use of the commodities and/or funds made available to meet the requirements of eligible recipients. The term also includes foreign nonprofit voluntary agencies registered with the Advisory Committee on Voluntary Foreign Aid entering into such agreements following a determination of unavailability of a U.S. registered nonprofit voluntary agency to provide the assistance.

(d) "Diplomatic Posts" means the offices of the Department of State located in foreign countries, and may include Embassies, Legations, and Consular offices.

(e) "Disaster relief organizations" means organizations which are authorized by AID/W, USAID, or by a Diplomatic Post to assist disaster victims.

(f) "Disaster victims" means persons who, because of flood, drought, fire, earthquake, other natural or man-made disasters, or extraordinary relief requirements, are in need of food, feed, or fiber assistance.

(g) "Duty free" means exempt from all customs duties, duties, tolls, taxes or governmental impositions levied on the act of importation.

(h) "Food for Peace Program Agreement" constitutes the agreement between the cooperating sponsor(s) and the U.S. Government. The Food for Peace Program Agreement may be specific, listing the kinds and quantities of commodities to be supplied, program objectives, criteria for eligibility of recipients, plan for distribution of commodities, and other specific program provisions in addition to the provisions set forth in this part; or it will state that the cooperating sponsor will comply with this part and such other terms and conditions as set forth in other AID programing documents.

(i) "Institutions" means nonpenal, public or nonprofit private establishments that are operated for charitable or welfare purposes where needy persons reside and receive meals, including, but not limited to, homes for the aged, mentally and physically handicapped, refugee camps, and leprosy asylums.

(j) "Intergovernmental organizations" means agencies sponsored and supported by the United Nations organization or by two or more nations, one of which is the United States of America.

(k) "Maternal-child feeding, primary school and other child feeding programs":

(1) Maternal and preschool feeding programs means programs conducted for women of child bearing age, for mothers with preschool children, and for children below the usual enrollment age for the primary grade at public schools.

(2) School feeding programs refers to programs conducted for the benefit of children enrolled in primary schools.

(3) Other child feeding programs refers to programs designed to reach preschool or primary school age, needy children in child care centers, orphanages, institutions, nurseries, kindergartens, and similar activities.

(l) "Nonprofit" means that the residue of income over operating expenses accruing in any activity, project, or program is used solely for the operation of such activity, project, or program.

(m) "Primary School" means a public or nonprofit facility, or an activity within such facility, which has as its primary purpose the education of children at education levels which are generally comparable to those of elementary schools in the United States.

(n) "Recipient agencies" means schools, institutions, welfare agencies, disaster relief organizations, and public or private agencies whose food distribution functions are sponsored by the cooperating sponsor and who receive commodities for distribution to eligible recipients. A cooperating sponsor may be a recipient agency.

(o) "Recipients" means persons who are in need of food assistance because of their economic condition or who are otherwise eligible to receive commodities for their own use in accordance with the terms and conditions of the Food for Peace Program Agreement.

(p) "Refugees" means persons who fled or were forced to leave their country of nationality or residence and are living in a country other than that of which they hold or have held citizenship or in a part of their country of nationality or residence other than that which they normally consider their residence, and become eligible recipients.

(q) "USDA" means the U.S. Department of Agriculture.

(r) "Voluntary Agency" means the American National Red Cross and any U.S. or foreign voluntary nonprofit agency registered with, and approved by, the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development.

(s) "Welfare agencies" means public or nonprofit private agencies that provide care, including food assistance, to needy persons who are not residents of institutions.

§ 211.3 Cooperating sponsor agreements.

(a) *Food for Peace Program Agreement.* The cooperating sponsor shall enter into a written agreement with AID by assigning a Food for Peace Program Agreement which shall incor-

porate by reference or otherwise the terms and conditions set forth in this part.

(b) *Individual Country Food for Peace Program Agreement.* Voluntary agencies or intergovernmental organizations shall, in addition to the Food for Peace Program Agreement, enter into a separate written Food for Peace Agreement with the foreign government of each cooperating country. This agreement shall incorporate by reference or otherwise the terms and conditions set forth in this part; Provided, however, that where such written agreement is not feasible or practicable, the USAID or Diplomatic Post shall assure AID/W that the program can be effectively operated without such an agreement.

§ 211.4 Availability of Commodities.

(a) *Distribution and use of commodities.* Commodities shall be available for distribution and use in accordance with the provisions of the Food for Peace Program Agreement and this part.

(b) *Transfer of title and delivery.* (1) Unless the Food for Peace Program Agreement provides otherwise, title to the commodity shall pass to the cooperating sponsor at the time and place of delivery f.o.b. or f.a.s. vessels at the U.S. ports except that in the case of voluntary agencies and intergovernmental organizations, title may pass at the discretion of USDA at other points in the United States.

(2) Voluntary agencies and intergovernmental organizations shall make the necessary arrangements to accept commodities at the points of delivery designated by the USDA.

(3) For cargoes arriving in trucks, rail cars or barges at the U.S. loading port, voluntary agencies and intergovernmental organizations shall ensure that proper actions are taken and necessary documentation obtained to protect the interests of CCC. Voluntary agencies or intergovernmental organizations may employ freight forwarders to perform these functions and to obtain the necessary documents. If freight forwarders are employed, voluntary agencies or intergovernmental organizations shall ensure that the freight forwarders are advised of the provisions of this subparagraph and understand their responsibilities to CCC to properly perform the functions and/or to obtain the documents as provided herein. Voluntary agencies, intergovernmental organizations and/or freight forwarders shall be responsible for the following: to receive notices of arrival from the rail carrier; arrange to have the cargoes unloaded at the port within the free time period and document such arrangements; to receive and review rail carriers' demurrage bills and take appropriate action to have such bills paid by the liable party; to note and record any missing seal or seal discrepancy, and shortage and/or damage to cargo at the time of unloading; to immediately notify the representative of the carrier of any missing seal or seal discrepancy, shortage and/or damage; and to immediately reject damaged cargo to the representative of the carrier and advise the representative where the damaged cargo may be received. Notifications shall be immediately confirmed in writing to the carrier. Voluntary agencies, intergovernmental organizations and/or freight forwarders shall be responsible for obtaining the following documents:

(i) Arrival Notice for each conveyance, (ii) seal information, (iii) unloading tally for each rail car, truck or barge, as prepared by unloading personnel, (iv) Consignee's Receipt (form MP-269-B), (v) carrier's Over, Short and Damage Report, signed by carrier's representative, or other similar report, (vi) signed dock receipt, and (vii) copy of notifications to carrier.

The above documentation must be furnished to the appropriate USDA-ASCS Office within 15 days after unloading of a conveyance. Voluntary agencies, intergovernmntal organizations or freight fowarders who negligently fail to properly perform the functions stated herein shall be liable to CCC for losses or expenses incurred by CCC which cannot be otherwise collected or recovered by CCC because of the voluntary agencies or intergovernmental organizations or freight forwarders' failure to properly perform in accordance with the requirements herein stated.

(c) *Processing, handling, transportation and other costs.* (1) The United States will pay processing, handling, transportation, and other incidental costs incurred in making commodities available to cooperating sponsors free on board (f.o.b.) or free along side (f.a.s.) vessel at U.S. ports, or free at inland destinations in the United States except as otherwise provided in this paragraph (c).

(2) Voluntary agencies and intergovernmental organizations shall reimburse the United States for expenses incurred at their request and for their accommodation which are in excess of those which the United States would have otherwise incurred in making delivery (i) at the lowest combination of inland and ocean transportation costs to the United States as determined by the United States or (ii) in sizes and types of packages announced as available.

(3) All costs and expenses incurred subsequent to the transfer of title in the United States to cooperating sponsors except as otherwise provided herein shall be borne by them. Upon the determination that it is in the interests of the program to do so, the United States may pay or make reimbursement for ocean transportation costs from U.S. ports to the designated ports of entry aboard; or to designated points of entry abroad in the case (i) of landlocked countries, (ii) where ports cannot be used effectively because of natural or other disturbances, (iii) where carriers to a specific country are unavailable, or (iv) where a substantial savings in cost or time can be effected by the utilization of points of entry other than ports.

(d) *Transportation authorization.* A transportation authorization will be issued to cover the ocean freight paid directly by the United States. When CCC contracts for ocean carriage, disbursement to the carriers shall be made by CCC upon presentation of Standard Form 1113 and three copies of 1113A (Public Voucher for Transportation Charges), together with three copies of the related onboard ocean bill of lading, one copy of which must contain the following certification signed by an authorized representative of the steamship company:

I certify that this document is a true and correct copy of the original onboard ocean bill of lading under which the goods herein described were loaded on the above-named vessel and that the original and all other copies thereof have been clearly marked as not to be certified for billing.

.....
(Name of steamship co.)
By
(Authorized representative)

Such vouchers should be submitted to: Director Ocean Transportation Division, Office of the General Sales Manager, U.S. Department of Agriculture, Washington, D.C. 20250. Except for duty, taxes and other costs exempted in § 211.7 (a) and (b) of this part, voluntary agencies booking their own vessels will be reimbursed as provided in AID Regulation 2 (Part 202 of this chapter) for ocean freight authorized by the United States upon presentation to AID/W (or to a U.S. Bank holding an AID Letter of Commitment) of proof of payment to the ocean carrier.

(e) *Shipping instructions*—(1) *Shipments booked by CCC.* Request for shipment of commodities shall originate with the cooperating sponsor and shall be submitted to USAID or Diplomatic Post for clearance and transmittal to AID/W. AID/W shall, through cables, airgrams or letters to USAID or Diplomatic Posts, provide cooperating sponsors (and where applicable voluntary agency headquarters) with names of vessels, expected times of arrival (ETAs), and other pertinent information on shipments booked by CCC. At the time of exportation of

commodities, applicable ocean bills of lading shall be sent airmail, or by the fastest means available, by the freight forwarder, representing CCC, to USDA, to USAID or Diplomatic Posts (and where applicable to USAID Controller, voluntary agency headquarters, and voluntary agency field representatives), and to the consignee in sufficient time to advise of the arrival of the shipment.

(2) *Shipments booked by voluntary agency or intergovernmental organization.* Requests for shipment of commodities shall originate with the cooperating sponsor and shall be cleared by the USAID or Diplomatic Post before transmittal to the voluntary agency's or intergovernmental organization's headquarters for concurrence and issuance. USAID or Diplomatic Post shall promptly clear voluntary agency and intergovernmental organization requests for shipment of commodities or, if there is reason for delay or disapproval, advise the cooperating sponsor and AID/W within seven (7) days of receipt of requests for shipment. After the voluntary agency or intergovernmental organization headquarters concurs in the request and issues the order, the original will be sent promptly to USDA with a copy to the USAID or Diplomatic Posts. Headquarters of voluntary agencies and intergovernmental organizations which book their own shipments shall provide their representatives and the USAID or Diplomatic Posts with the names of vessels, expected times of arrival (ETAs) and other pertinent information on shipments booked. At the time of exportation of commodities, applicable ocean bills of lading shall be sent airmail or by the fastest means available by the freight forwarder, representing the voluntary agency or intergovernmental organization, to USDA to the USAID or Diplomatic Post (and where applicable to USAID Controller and voluntary agencies' representatives), and to the consignee in the country of destination in sufficient time to advise of the arrival of the shipment. However, voluntary agencies will also forward cable advice of actual exportation to their program directors in countries within the Caribbean area which are supplied by vessels having a rapid and short run from U.S. port to destination.

(f) *Tolerances.* Delivery by the United States to the cooperating sponsor at point of transfer of title within a tolerance of 5 percent (2 percent in the case of quantities over 10,000 metric tons) plus or minus, of the quantity ordered for shipment shall be regarded as completion of delivery. There shall be no tolerance with respect to the ocean carrier's responsibility to deliver the entire cargo shipped and the United States assumes no obligation for failure by an ocean carrier to complete delivery to port of discharge.

§ 211.5 Obligations of cooperating sponsor.

(a) *Plan of operation.* Each cooperating sponsor shall submit to the USAID or Diplomatic Post for the approval of AID/W, within such times and on the forms prescribed by AID/W, a description of the programs it is sponsoring or proposes to sponsor. This description will provide basic information for preparation and amendment of Food for Peace Program Agreements and Individual Country Food for Peace Program Agreements and will include program purposes and goals, criteria for measuring program effectiveness, and other specific provisions in addition to those set forth in this Part. Further, this description will include information from which it may be determined that the distribution of commodities in the recipient country will not result in a substantial disincentive to domestic production and that adequate storage facilities are available in the recipient country at the time of exportation of the commodity to prevent the spoilage or waste of the commodity.

(b) *Program supervision.* Cooperating sponsors shall provide adequate supervisory personnel for the efficient operation of the program, including personnel to plan, organize, implement, control, and evaluate programs involving distribution of commodities, and, in accordance with AID guidelines, to make internal reviews, including warehouse inspections, physical inventories, and end-use checks. Maximum use of volunteer personnel shall be encouraged, but U.S. voluntary agencies shall be represented by a U.S. citizen, resident in the country of distribution or other nearby country approved by AID/W, who is appointed by and responsible to the voluntary agency for distribution of commodities in accordance with the provisions of this part. Intergovernmental organizations foreign nonprofit voluntary agencies and the American National Red Cross shall be represented by a person appointed by and responsible to these organizations for the supervision and control of the program in the country of distributions in accordance with the provisions of this part.

(c) *Internal Reviews*—(1) *Voluntary Agencies.* At intervals mutually agreed upon in writing by USAIDs or the Diplomatic Post and the voluntary agency as appropriate for good management, the voluntary agencies shall conduct or arrange to have conducted comprehensive internal reviews or a series of examinations which, when combined, will represent a complete review of the Title II program(s) under their jurisdiction. Copies of reports of these comprehensive examinations shall be submitted to USAIDs or Diplomatic Posts as required in § 211.10(b)(3).

(2) *Other Cooperating Sponsor.* In the case of programs administered by cooperating governments and intergovernmental organizations, responsibility for conducting internal audit examinations shall be determined by AID/W on a case by case basis. For records and reporting requirements for emergency programs see § 211.10(5).

(d) *Commodity requirements.* Each cooperating sponsor shall submit to the USAID or Diplomatic Post, within such times and on the form prescribed by AID/W, estimates of requirements showing the quantities of commodities required for each program proposed. Requirements shall be summarized for all programs in the country on a form prescribed by AID/W.

(e) *Determination of eligibility.* Cooperating sponsors shall be responsible for determining that the recipients and recipient agencies to whom they distribute commodities are eligible in accordance with the terms and conditions of the Food for Peace Program Agreement and this part. Cooperating sponsor shall impose upon recipient agencies responsibility for determining that the recipients to whom they distribute commodities are eligible. Commodities shall be distributed free of charge except as provided in paragraph (i) of this section, or as otherwise authorized by AID/W.

(f) *No discrimination.* Cooperating sponsors shall distribute commodities only to eligible recipient agencies and eligible recipients without regard to nationality, race, color, sex, or religious or political beliefs, and shall impose similar conditions upon distribution by recipient agencies.

(g) *Public recognition.* To the maximum extent practicable, and with the cooperation of the host government, adequate public recognitions shall be given in the press, by radio, and other media that the commodities have been furnished by the people of the United States. At distribution centers the cooperating sponsor shall, to the extent feasible, display banners, posters, or similar media which shall contain information similar to that prescribed for containers in § 211.6(c). Recipients' individual identification cards shall, insofar as practicable be imprinted to contain such information.

(h) *Containers*—(1) *Markings.* Unless otherwise specified in the Food for Peace Program Agreement, when commodities are packaged for shipment from the United States, bags and other containers shall be marked with the CCC contract number or other identification, the AID emblem and the following information stated in

English and, as for as practicable, in the language of the country receiving the commodity:

(i) Name of the commodity.

(ii) Furnished by the people of the United States of America.

(iii) Not to be sold or exchanged (where applicable). Emblems or other identification of voluntary agencies and intergovernmental organizations may also be added.

(2) *Disposal of containers.* Cooperating sponsors may dispose of containers, other than containers provided by carriers, in which commodities are received in countries having approved Title II programs, by sale or exchange, or distribute the containers free of charge to eligible food or fiber recipients for their personal use. If the containers are to be used commercially, the cooperating sponsor must arrange for the removal or obliteration of U.S. Government markings from the containers prior to such use.

(i) *Use of funds.* In addition to funds accuring to cooperating sponsors from the sale of containers, funds may also be available from charges made in maternal, preschool, school and other child feeding programs where payment by the recipients will be encouraged on the basis of ability to pay. Funds from these sources shall be used for payment of program costs such as transportation, storage, (including the improvement of storage facilities and the construction of warehouses) handling, insect and rodent control, rebagging of damaged or infested commodities, and other program expenses specifically authorized by AID to carry out the objectives of the program for which the commodities were furnished. Funds may also be used for payment of indigenous and/or third country personnel employed by cooperating sponsors or recipient agencies in support of Title II programs. However, such funds may not be used to purchase land for sectarian purposes, to acquire or construct church buildings, or to make alterations in existing church-owned buildings. Actual out-of-pocket expenses incurred in effecting any sale of containers may be deducted from the sales proceeds.

(j) *No displacement of sales.* Except in the case of emergency or disaster situations, the donation of commodities furnished for these programs shall not result in increased availability for export by the foreign country on the same or like commodities and shall not interfere with or displace sales in the recipient country which might otherwise take place. A country may be exempt from this proviso if circumstances warrant. Missions should seek AID/W guidance on this matter.

(k) *Commodities borrowed or exchanged.* After the date of the program approval by AID/W, but before arrival at the distribution point of the commodities authorized herein, the cooperating sponsor may, with prior approval of the USAID or Diplomatic Post, borrow same or similar commodities from local sources to meet program requirements provided that: (1) Such of the commodities borrowed as are used in accordance with the terms of the applicable Food for Peace Program Agreement will be replaced with commodities authorized herein on an equivalent value basis at the time and place that the exchange takes place as determined by mutual agreement between the cooperating sponsor and the USAID or Diplomatic Post except, that at the request of the cooperating sponsor the USAID or Diplomatic Post may determine that such replacement may be made on some other justifiable basis; (2) packaged commodities which are borrowed shall be appropriately identified in the language of the country of distribution as having been furnished by the people of the United States; and (3) suitable publicity shall be given to the exchange of commodities as provided in paragraph (g) of this section and containers for borrowed commodities shall be marked to the extent practicable in accordance with § 211.6(c).

(l) *Commodity Transfer.* After the date of program approval by AID/W, but before distribution of the commodities authorized herein by the recipient agency, the USAID or the Diplomatic Post, or the cooperating sponsor with prior approval of the USAID or Diplomatic Post, may transfer commodities between approved Title II programs to meet emergency disaster requirements or to improve efficiency of operation; for example, to meet temporary shortages due to delays in ocean transportation, or to provide for rapid distribution of stocks in danger of deterioration. Transfers may also be made to disaster organizations for use in meeting exceptional circumstances. Commodity transfers shall be made at no cost to the U.S. Government and with the concurrence of the cooperating sponsor or disaster organization concerned. The USAID or the Diplomatic Post may, however, provide funds to pay the costs of transfers to meet extraordinary relief requirements in which case AID/W shall be advised promptly of the details of the transfer. Commodities transferred as described above shall not be replaced by the U.S. Government unless AID/W authorizes such replacement.

(m) *Disposal of excessive stock of commodities.* If commodities are on hand which cannot be utilized in accordance with the applicable Food for Peace Program Agreement, the cooperating sponsor shall promptly advise USAID or the Diplomatic Post of the quantities, location, and condition of such commodities, and, where possible shall propose an alternate use of the excess stocks, USAID or Diplomatic Post shall determine the most appropriate use of the excess stocks, and with prior AID/W concurrence, shall issue instructions for disposition. Transportation costs and other charges attributable to transferring commodities from one program to another within the country shall be the responsibility of the cooperating sponsor, except that in case of disaster or emergency, AID/W may authorize the use of disaster or emergency funds to pay for the costs of such transfers.

§ 211.6 Processing, repackaging, and labeling commodities.

(a) *Commercial processing and repackaging.* Cooperating sponsors may arrange for processing commodities into different end products and for packaging or repackaging commodities prior to distribution. When commercial facilities are used for processing, packaging or repackaging, cooperating sponsors shall enter into written agreements for such services. Except in the case of commodities and/or containers provided to foreign governments for sale under section 206 of the Act, the agreements must have the prior approval of USAID or Diplomatic Post in the country of distribution. Copies of the executed agreements shall be provided to the USAID or Diplomatic Post. Agreements for such services shall provide as a minimum that:

(1) No part of the commodities delivered to the processing, packaging, or repackaging company shall be used to defray processing, packaging, repackaging, or other costs, except as provided in paragraph (a)(2) of this section.

(2) When the milling of grain is authorized in the cooperating country, the United States will not pay any part of the processing costs, directly or indirectly, except that with the prior approval of AID/W, the value of the offal may be used to offset such part of the processing costs as it may cover.

(3) The party providing such services shall:

(i) Fully account to the cooperating sponsor for all commodities delivered to the processor's possession and shall maintain adequate records and submit perodic reports pertaining to the performance fo the agreement;

(ii) Be liable for the value of all commodities not accounted for as provided in § 211.9(g);

(iii) Return or dispose of the containers in which the commodity is received from the cooperating sponsor

according to instructions from the cooperating sponsor; and

(iv) Plainly lable cartons, sacks, or other containers containing the end product in accordance with paragraph (c) of this section.

(b) *Use of cooperating sponsor facilities.* When cooperating sponsors utilize their own facilities to process, package, or repackage commodities into different end products, and when such products are distributed for consumption off the premises of the cooperating sponsor, the cooperating sponsor shall plainly lable the containers as provided in paragraph (c) of this section, and banners, posters, or similar media which shall contain information similar to that prescribed in paragraph (c) of this section, shall be displayed at the distribution center. Recipients' individual identification cards shall to the maximum extent practicable be imprinted to contain such information.

(c) *Labeling.* If prior to distribution the cooperating sponsor arranges for packaging or repackaging donated commodities the cartons, sacks, or other containers in which the commodities are packed shall be plainly labeled with the AID emblem, in the language of the country in which the commodities are to be distributed with the following information:

(1) Name of commodity;

(2) Furnished by the people of the United States of America; and

(3) Not to be sold or exchanged (where applicable). Emblems or other identification of voluntary agencies and intergovernmental organizations may also be added.

(d) *Where commodity containers are not used.* When the usual practice in a country is not to enclose the end product in a container, wrapper, sack, etc., the cooperating sponsor shall, to the extent practicable, display banners, posters, or other media, and imprint on individual recipient identification cards information similar to that prescribed in paragraph (c) of this section.

§ 211.7 Arrangements for entry and handling in foreign country.

(a) *Costs at discharge ports.* Except as otherwise agreed upon by AID/W and provided in the applicable shipping contract or in paragraph (d) and (e) of this section, the cooperating sponsor shall be responsible for all costs, other than those assessed by the delivering carrier either in accordance with its applicable tariff for delivery to the discharge port or in accordance with the applicable charter or booking contract. The cooperating sponsor shall be responsible for all costs for (1) distributing the commodity as provided in the Food for Peace Program Agreement to end users, and (2) for demurage, detention, and overtime, and (3) for obtaining independent discharge survey reports as provided in § 211.9. The cooperating sponsor shall also be responsible for wharfage, taxes, dues, and port charges assessed against the cargo whenever assessed and collected by local authorities from the consignee, and for lighterage (when not a custom of the port), and lightening costs when assessed as a charge separate from the freight rate.

(b) *Duty, taxes, and consular invoices.* Commodities shall be admitted duty free and exempt from all taxes. Consular invoices shall not be required unless specific provision is made in the Food for Peace Program Agreement. If required, they shall be issued without cost to the cooperating sponsor or to the Government of the United States.

(c) *Storage facilities and transportation in foreign countries.* Cooperating sponsors shall make all necessary arrangements for receiving the commodities and assume full responsibility for storage and maintenance of commodities from time of delivery at port of entry abroad or, when authorized, at other designated points of entry abroad agreed upon between the cooperating sponsor and AID. Before recommending approval of a program to AID/W, USAID, or Diplomatic Post shall obtain from the cooperating sponsor, assurance that provision has been made for internal transportation, and for storage and handling which are adequate by local commercial standards. The cooperating sponsor shall be responsible for the maintenance of commodities in such manner as to assure distribution of the commodities in good condition to recipient agencies or eligible recipients.

(d) *Inland transportation in intermediate countries.* In the case of landlocked countries, transportation in the intermediate country to a designated inland point of entry in the recipient country shall be arranged by the cooperating sponsor unless otherwise provided in the Food for Peace Program Agreement or other program document. Voluntary agencies and intergovernmental organizations shall handle claims arising from loss or damage in the intermediate country, in accordance with § 211.9(e). Other cooperating sponsors shall assign any rights that they may have to any claims that arise in the intermediate country to USAID which shall pursue and retain the proceeds of such claims.

(e)(1) *Authorization for Reimbursement of Costs.* If, because of packaging damage, it is determined by a voluntary agency or intergovernmental organization that commodities must be repackaged to ensure that the commodities arrive at the distribution point in a wholesome condition, voluntary agencies and intergovernmental organizations may incur expenses for such repackaging up to $500.00 and such costs will be reimbursed to the voluntary agency or intergovernmental organization by CCC. If costs will exceed $500.00 the authority to repackage and incur the costs must be approved by the USAID or Diplomatic Post in advance of repackaging unless such prior approval is specifically waived in writing by the USAID or Diplomatic Post.

(2) *Method of Reimbursement.* (i) *Repackaging Required Because of Damage Occurring Prior to or During Discharge from the Ocean Carrier.* Costs of such reconstitution or repackaging should be included, as a separate item in claims filed against the ocean carrier (see 211.9(c)). Full reimbursement of such costs up to $500.00 will be made by CCC, Kansas City Commodity Office, upon receipt of invoices or other documents to support such costs. For amounts expended in excess of $500.00, reimbursement will be made upon receipt of supporting invoices or other documents establishing the costs of repackaging and showing the prior approval of the USAID or Diplomatic Post to incur the costs (unless approval waived, see § 211.7(e)(1) of this chapter).

(ii) *Repackaging Required Because of Damage Caused After Discharge of the Cargo from the Ocean Carrier.* Costs of such repackaging will be reimbursed to the agency or organization by CCC (USDA-ASCS Financial Management Division, 14th & Independence Avenue, Washington, D.C. 20250) upon receipt of documentation as set forth in § 211.7(e)(2) of this chapter.

§ 211.8 Disposition of commodities unfit for authorized use.

(a) *Prior to delivery to cooperating sponsor at discharge port or point of entry.* If the commodity is damaged prior to delivery to the cooperating sponsor (other than a voluntary agency or an intergovernmental organization) at discharge port or point of entry overseas, the USAID or Diplomatic Post shall immediately arrange for inspection by a public health official or other competent authority. If the commodity is determined to be unfit for human consumption, the USAID or Diplomatic Post shall dispose of it in accordance with the priority set forth in paragraph (b) of this action. Expenses incidental to the handling and disposition of the damaged commodity shall be paid by USAID or the Dispolmatic Post from the sales proceeds, from CCC Account No. 20 FT 401 or from special Title II, Pub. L. 480 Agricultural Commodity Account. The net proceeds of sales shall be deposited with the U.S. Disbursing Officer American Embassy,

for the credit of CCC Account No. 20 FT 401.

(b) *After delivery to cooperating sponsor.* If after arrival in a foreign country it appears that the commodity, or any part thereof, may be unfit for the use authorized in the Food for Peace Program Agreement, the cooperating sponsor shall immediately arrange for inspection of the commodity by a public health official or other competent authority approved by USAID or the Diplomatic Post. If no competent local authority is available, the USAID or Diplomatic Post may determine whether the commodities are unfit for human consumption, and if so may direct disposal in accordance with paragraphs (b) (1) through (4) of this section. The cooperating sponsor shall arrange for the recovery for authorized use of that part designated during the inspection as suitable for program use. If, after inspection, the commodity (or any part thereof) is determined to be unfit for authorized use the cooperating sponsor shall notify USAID or the Diplomatic Post of the circumstances pertaining to the loss or damage as prescribed in § 211.9(f). With the concurrence of USAID or the Diplomatic Post, the commodity determined to be unfit for authorized use shall be disposed of in the following order of priority:

(1) By transfer to an approved Food for Peace Program for use as livestock feed. AID/W shall be advised promptly of any such transfer so that shipments from the United States to the livestock feeding program can be reduced by an equivalent amount:

(2) Sale for the most appropriate use, i.e., animal feed, fertilizer, or industrial use, at the highest obtainable price. When the commodity is sold all U.S. Government markings shall be obliterated:

(3) By donation to a governmental or charitable organization for use as animal feed or for other nonfood use: and

(4) If the commodity is unfit for any use or if disposal in accordance with subparagraph (b) (1), (2), or (3) of this section is not possible, the commodity shall be destroyed under the observation of a representative of USAID or Diplomatic Post, if practicable, in such manner as to prevent its use for any purpose. Expenses incidental to the handling and disposition of the damaged commodity shall be paid by the cooperating sponsor unless it is determined by the USAID or the Diplomatic Post that the damage could not have been prevented by the proper exercise of the cooperating sponsor's responsibility under the terms of the Food for Peace Program Agreement Actual expenses incurred in effecting any sale may be deducted from the sales proceeds and the net proceeds shall be deposited with the U.S. Disbursing Officer, American Embassy, with instructions to credit the deposit to CCC Account No. 20 FT 401. The cooperating sponsor shall promptly furnish USAID or the Diplomatic Post a written report of all circumstances relating to the loss and damage and shall include in this report, or a supplemental report, a certification by a public health official or other competent authority of the exact quantity of the damaged commodity disposed of because it was determined to be unfit for human consumption.

§ 211.9 Liability for loss and damage or improper distribution of commodities.

(a) *Fault cooperating sponsor prior to loading on ocean vessel.* If a voluntary agency or intergovernmental organization books cargo for ocean transportation and is unable to have a vessel at the U.S. port of export for loading in accordance with the agreed shipping schedule, the voluntary agencies and intergovernmental organizations shall immediately notify the USDA. The USDA will determine whether the commodity shall be (1) moved to another available outlet: (2) stored at the port for delivery to the voluntary agencies or intergovernmental organization until a vessel is available for loading: or (3) disposed of as the USDA may deem proper. When additional expenses are incurred by CCC as a result of a failure of the voluntary agency or intergovernmental organization, or their agent; (4) to meet the agreed shipping schedule, or (5) to make necessary arrangements to accept commodities at the points of delivery designated by CCC, and it is determined by CCC that the expenses were incurred because of the fault or negligence of the voluntary agency or intergovernmental organization, or their agents, the voluntary agency or intergovernmental organization shall reimburse CCC for such expenses or take such action as directed by CCC.

(b) *Fault of others prior to loading on ocean vessel.* Upon the happening of any event creating any rights against a warehouseman, carrier, or other person for the loss of or damage to a commodity occurring between the time title is transferred to a voluntary agency or intergovernmental organization and the time the commodity is loaded on board vessel at designated port of export, the voluntary agencies or intergovernmental organizations shall immediately notify CCC and promptly assign to CCC any rights to claims which may accrue to them as a result of such loss or damage and shall promptly forward to CCC all documents pertaining thereto. CCC shall have the right to initiate and prosecute, and retain the proceeds of all claims for such loss or damage.

(c) *Ocean carrier loss and damage—* (1) *Survey and outturn reports.* (i) Cooperating sponsors shall arrange for an independent cargo surveyor to attend the discharge of the cargo and to count or weigh the cargo and examine its condition, unless USAID or the Diplomatic Post determines that such examination is not feasible, or if CCC has made other provisions for such examinations and reports. The surveyor shall prepare a report of his findings showing the quantity and condition of the commodities discharged. The report shall also show the probable cause of any damage noted, and set forth the time and place when the examination was made. If practicable, the examination of the cargo shall be conducted jointly by the surveyor, the consignee, and the ocean carrier, and the survey report shall be signed by all parties. Customs receipts, port authority reports, shortlanding certificates, cargo boat notes, stevedore's tallies, etc., where applicable, shall be obtained and furnished with the report of the surveyor. The cooperating sponsor shall obtain a certification by public health official or similar competent authority as to (*a*) the condition of the commodity in any case where a damaged commodity appears to be unfit for its intended use; and (*b*) a certificate of disposition in the event the commodity is determined to be unfit for its intended use. Such certificates shall be obtained as soon as possible after discharge of the cargo. In any case where the cooperating sponsor can provide a narrative chronology or other commentary to assist in the adjudication of ocean transportation claims, such information should be forwarded. Cooperating sponsors shall prepare such a statement in any case where the loss is estimated to be in excess of $5,000.00. All documentation shall be in English or supported by an English translation and shall be forwarded as set forth in paragraph (c)(1) (iii) and (iv) of this section. The cooperating sponsor may, at his option, also engage the independent surveyor to supervise clearance and delivery of the cargo from customs or port areas to the cooperating sponsor or its agent and to issue delivery survey reports thereon.

(ii) In the event of cargo loss and damage, the cooperating sponsor shall provide the names and addresses of individuals who were present at the time of discharge and during survey and can verify the quantity lost or damaged. In the case of bulk grain shipments, the cooperating sponsor shall obtain the services of an independent surveyor to (*a*) observe the discharge of the cargo, (*b*) report on discharging techniques and furnish information as to whether cargo was carefully discharged in accordance with the cus-

toms of the port, (c) estimate the quantity of cargo, if any, loss during discharge through carrier negligence, (d) advise quality of sweepings, (e) obtain copies of port and/or vessel records, if possible, showing quantity discharged, (f) provide immediate notification to cooperating sponsor if additional services are necessary to protect cargo interests or if surveyor has reason to believe that the correct quantity was not discharged. The cooperating sponsor, in the case of damage to bulk grain shipments, shall obtain and provide the same documentation regarding quality of cargo as set forth in § 211.8(a) of this chapter and paragraph (c)(1)(i) of this section. In the case of shipments arriving in container vans, cooperating sponsors shall require the independent surveyor to list the container van numbers and seal numbers shown on the container vans, and indicate whether the seals were intact at the time the container vans were opened, and whether the container vans were in any way damaged.

(iii) Cooperating Sponsors shall send copies of all reports and documents pertaining to the discharge of commodities to USDA.

(iv) CCC will reimburse the voluntary agencies and intergovernmental organizations for the costs incurred by them in obtaining the services of an independent surveyor to conduct examinations of the cargo and render the report set forth above. Reimbursement will be made when the surveyor's invoice or other documents that establish the survey cost are furnished to CCC. However, CCC will not reimburse voluntary agencies or intergovernmental organizations for the costs of only a delivery survey, in the absence of a discharge survey, or for any other survey not taken contemporaneously with the discharge of the vessel, unless such deviation from the documentation requirements of § 211.9(c)(1) is justified to the satisfaction of CCC.

(2) *Claims against ocean carriers.* (i) Irrespective of transfer of title to the commodities, CCC shall have the right to initiate and prosecute, and retain the proceeds of, all claims against ocean carriers for cargo loss and damage or cargos for which CCC contracts for ocean transportation.

(ii)(a) Unless otherwise provided in the Food for Peace Program Agreement or other program document, voluntary agencies and intergovernmental organizations shall file notice of any cargo loss and damage with the carrier immediately upon discovery of any such loss and damage and shall promptly initiate claims against the ocean carriers for cargo loss and damage, and shall take all necessary action to obtain restitution for losses within any applicable periods of limitations and shall transmit to CCC copies of all such claims. However, the voluntary agencies or intergovernmental organizations need not file a claim when the cargo loss is not in excess of $25, or in any case when the loss is in excess of $25, but not in excess of $100 and it is determined by the voluntary agencies or intergovernmental organizations that the cost of filing and collecting the claim will exceed the amount of the claim. The voluntary agencies and intergovernmental organizations shall transmit to CCC copies of all claims filed with the ocean carriers for cargo loss and damage, as well as information and/or documentation on shipments when no claim is to be filed. When General Average has been declared, no action will be taken by the voluntary agencies of intergovernmental organizations to file or collect claims for loss or damage to commodities. (See paragraph (c)(2)(iii) of this section.)

(b) *Determination of value.* When payment is made for commodities misused, lost or damaged, the value shall be determined on the basis of the domestic market price at the time and place the misuse, loss or damage occurred, or, in case it is not feasible to obtain or determine such market price, the f.o.b. or f.a.s. commercial export price, of the commodity at the time and place of export, plus ocean freight charges and other costs incurred by the Government of the United States in making delivery to the cooperating sponsor. When the value is determined on a cost basis, the voluntary agencies or intergovernmental organizations may add to the value any provable costs they have incurred prior to delivery by the ocean carrier. In preparing the claim statement, these costs shall be clearly segregated from costs incurred by the Government of the United States. With respect to claims other than ocean carrier loss and/or damage claims, at the request of the cooperating sponsor and/or upon the recommendation of the USAID or diplomatic Post, AID W may determine that such value may be determined on some other justifiable basis. When replacements are made, the value of commodities misused, lost or damaged, shall be their value at the time and place the misuse. loss, or damage occurred and the value of the replacement commodities shall be their value at the time and place replacement is made.

(c) Amounts collected by voluntary agencies and intergovernmental organizations on claims against ocean carriers not in excess of $100 may be retained by the voluntary agencies or intergovernmental organizations.

On claims involving loss or damage having a value in excess of $100 the voluntary agencies or intergovernmental organizations may retain from collections received by them, the larger of (1) the amount of $100 plus 10 percent of the difference between $100 and the total amount collected on the claim, up to a maximum of $350, or (2) actual administrative expenses incurred in collection the claim; provided retention of such expenses is approved by CCC. Collection costs shall not be deemed to include attorneys fees, fees of collection agencies, and the like. In no event will collection costs in excess of the amount collected on the claim be paid by CCC. The voluntary agencies or intergovernmental organizations may also retain from claim recoveries remaining after allowable deductions for administrative expenses of collection, the amount of any special charges, such as handling, packing, and insurance costs, which the voluntary agency or intergovernmental organization has incurred on the lost or damaged commodity and which are included in the claim and paid by the liable party.

(d) The voluntary agencies and intergovernmental organizations may redetermine claims on the basis of additional documentation or information, not considered when the claims were originally filed when such documentation or information clearly changes the ocean carriers liability. Approval of such changes by CCC is not required regardless of amount. However copies of redetermined claims and supporting documentation or information shall be furnished to CCC.

(e) Voluntary agencies of intergovernmental organizations may negotiate compromise settlements of claims regardless of the amount thereof, except that proposed compromise settlements of claims having a value in excess of $5,000 shall not be accepted until such action has been approved in writing, by CCC. When a claim is compromised, the voluntary agency or intergovernmental organization may retain from the amount collected, the amounts authorized in (c)(2)(ii)(c) of this section and in addition, an amount representing the percentage of the special charges described in (c)(2)(ii)(c) of this section as the compromised amount is to the full amount of the claim. When a claim is not in excess of $600, the voluntary agencies or intergovernmental organizations may terminate collection activity on the claim according to the standards set forth in 4 CFR 104.3 (1972). Approval of such termination by CCC is not required but the voluntary agencies or intergovernmental organizations shall notify CCC when collection activity on a claim is terminated.

(f) All amounts collected in excess of the amounts authorized herein to be retained shall be remitted to CCC. For

the purpose of determining the amount to be retained by the voluntary agencies or intergovernmental organizations from the proceeds of claims filed against ocean carriers, the word "claim" shall refer to the loss and damage to commodities which are shipped on the same voyage of the same vessel to the same port destination, irrespective of the kinds of commodities shipped or the number of different bills of lading issued by the carrier. If a voluntary agency or intergovernmental organization is unable to effect collection of a claim or negotiate an acceptable compromise settlement within the applicable period of limitation or any extension thereof granted in writing by the liable party or parties, the rights of the voluntary agencies or intergovernmental organizations to the claim shall be assigned to CCC in sufficient time to permit the filing of legal action prior to the expiration of the period of limitation or any extension thereof. Voluntary agencies or intergovernmental organizations shall promptly assign their claim rights to CCC upon request. In the event CCC effects collection or other settlement of the claim after the rights of the voluntary agency or intergovernmental organization to the claim have been assigned to CCC, CCC shall, except as shown below, pay to the voluntary agency or intergovernmental organization the amount the agency or organization would have been entitled to retain had they collected the same amount. However, the additional 10 percent on amounts collected in excess of $100 will be payable only if CCC determines that reasonable efforts were made to collect the claim prior to the assignment, or if payment is deemed to be commensurate with the extra efforts exerted in further documenting claims. Further, if CCC determines that the documentation requirements of § 211.9(c)(1) have not been fulfilled and the lack of such documentation has not been justified to the satisfaction of CCC, CCC reserves the right to deny payment of all allowances to the voluntary agency.

(g) When voluntary agencies or intergovernmental organizations fail to file claims, or permit claims to become time-barred, or fail to provide for the right of CCC to assert such claims, as provided in this § 211.9 and it is determined by CCC that such failure was due to the fault or negligence of the voluntary agency or intergovernmental organization, the agency or organization shall be liable to the United States for the cost and freight (C&F) value of the commodities lost to the program.

(iii) If a cargo loss has been incurred on a voluntary agency or intergovernmental organization shipment, and general average has been declared, the voluntary agency or intergovernmental organization shall furnish to the Chief Claims and Collections Division, Kansas City ASCS Commodity Office, P.O. Box 8377, Shawnee Mission, Kansas, ZIP 66208, with a duplicate copy to AID/W-PDC/FFP/POD, (a) copies of booking confirmations and the applicable on-board bill(s) of lading, (b) the related outturn or survey report(s), (c) evidence showing the amount of ocean transportation charges paid to the carrier(s), and (d) an assignment to CCC of the cooperating sponsor's rights to the claim(s) for such loss.

(d) *Fault of cooperating sponsor in country of distribution.* If the cooperating sponsor improperly distributes a commodity or knowingly permits it to be used for a purpose not permitted under the Food for Peace Program Agreement or this part, or causes loss or damage to a commodity through any act or omission or fails to provide proper storage, care, and handling, the cooperating sponsor shall pay to the United States the value of the commodities lost, damaged, or misused (or may, with prior USAID approval, replace such commodities with similar commodities of equal value), unless it is determined by AID that such improper distribution or use, or such loss or damage, could not have been prevented by proper exercise of the cooperating sponsor's responsibility under the terms of the agreement. Normal commercial practices in the country of distribution shall be considered in determining that there was a proper exercise of the cooperating sponsor's responsibility. Payment by the cooperating sponsor shall be made in accordance with paragraph (b) of this section.

(e) *Fault of others in country of distribution and in intermediate country.* (1) In addition to survey and/or outturn reports to determine ocean carrier loss and damage, the cooperating sponsor shall, in the case of landlocked countries, arrange for an independent survey at the point of entry into the country and to make a report as set forth in § 211.9(c)(1). CCC will reimburse the cooperating sponsor for the costs of survey as set forth in § 211.9(c)(1)(v).

(2) Upon the happening of any event creating any rights against a warehouseman, carrier or other person for the loss of, damage to, or misuse of any commodity, the cooperating sponsor shall make every reasonable effort to pursue collection of claims against the liable party or parties for the value of the commodity lost, damaged, or misused and furnish a copy of the claim and related documents to USAID or Diplomatic Post. Cooperating sponsors who fail to file or pursue such claims shall be liable to AID for the value of the commodities lost, damaged, or misused: *Provided, however,* That the cooperating sponsor may elect not to file a claim if the loss is less than $300 and such action is not detrimental to the program. Cooperating sponsors may retain $100 of any amount collected on a claim. In addition, cooperating sponsors may, with the written approval of the USAID or Diplomatic Post, retain special costs such as legal fees that they have incurred in the collection of a claim. Any proposed settlement for less than the full amount of the claim must be approved by the USAID or Diplomatic Post prior to acceptance. When the cooperating sponsor has exhausted all reasonable attempts to collect a claim, it shall request the USAID or Diplomatic Post to provide further instructions.

(f) *Reporting losses to USAID or Diplomatic Post.* The cooperating sponsor shall promptly notify USAID or the Diplomatic Post in writing of the circumstances pertaining to any loss, damage, or misuse occurring within the country of distribution or intermediate country and shall include information as to the name of the responsible party; kind and quantities of commodities; size, and type of containers; the time and place of misuse, loss, or damage; the current location of the commodity; and the Food for Peace Program Agreement number, the CCC contract numbers, if known, or if unknown, other identifying numbers printed on the commodity containers; the action taken by the cooperating sponsor with respect to recovery or disposal; and the estimated value of the commodity. If any of the above information is not available, an explanation of its unavailability shall be made by the cooperating sponsor. Proceeds from sale and the disposition of the proceeds if any, should also be reported.

(g) *Handling claims proceeds.* Claims against ocean carriers shall be collected in U.S. dollars (or in currency in which freight is paid, or a pro rata share of each) and shall be remitted (less amounts authorized to be retained) by voluntary agencies and intergovernmental organizations to CCC. Claims against voluntary agencies and intergovernmental organizations shall be paid to CCC or AID/W in U.S. dollars. Amounts paid by other cooperating sponsors and third parties in the country of distribution shall be deposited with the U.S. Disbursing Officer, American Embassy, preferably, in U.S. dollars with instructions to credit the deposit to CCC Account No. 12X4336, or in local currency at the official exchange rate applicable to dollar imports at the time of deposit with instructions to credit the deposit to Treasury sales account 20FT401.

(h) *General average.* CCC shall (1) be responsible for settling general average and marine salvage claims, (2) retain the authority to make or authorize any disposition of commodities which have not commenced ocean transit or of which the ocean transit is interrupted, and receive and retain any monetary proceeds resulting from such disposition, (3) in the event of a declaration of general average, initiate and prosecute, and retain all proceeds of, cargo loss and damage claims against ocean carriers and (4) receive and retain any allowance in general average. CCC will pay any general average or marine salvage claims determined to be due.

§ 211.10 Records and reporting requirements of cooperating sponsor.

(a) *Records.* Cooperating sponsors shall maintain records and documents in a manner which will accurately reflect all transactions pertaining to the receipt, storage, distribution, sale and inspection of commodities. This shall include a periodic summary report and records of receipt and disbursement of any funds accruing from the operation of the program. Such records shall be retained for a period of 3 years from the close of the U.S. fiscal year to which they pertain.

(b) *Reports.* Cooperating sponsors shall submit reports to the USAID or Diplomatic Post, at such times and on such forms as prescribed by AID. The following is a list of the principal types of reports that are to be submitted:

(1) Periodic summary reports showing receipt, distribution, and inventory of commodities and proposed schedules of shipments or call forwards.

(2) In the case of Title II sales agreements under section 206 of the Act, the foreign government is directly responsible for reporting on programs involving the use of funds for purposes specified in the agreement.

(3) Reports relating to progress and problems in the implementation and operation of the program, and inspection reports, as may be required from time to time by AID/W, or as may be agreed upon between the USAID or Diplomatic Post and the cooperating sponsor and approved by AID/W.

(4) Reports of all comprehensive internal reviews prepared in accordance with § 211.5(c) shall be submitted to the USAID or Diplomatic Post for review as soon as completed and in sufficient detail to enable the USAID or Diplomatic Post to assess and to make recommendations as to the ability of the cooperating sponsors to effectively plan, manage, control and evaluate the Food for Peace programs under their administration.

(5) Emergency programs. At the time that an emergency program under PL 480, Title II is initiated, either on a government-to-government basis or through an intergovernmental organization or a voluntary agency, the Mission should (i) make a determination regarding the ability of the cooperating sponsor to perform the record-keeping required by § 211.10, and (ii) in those instances in which those specific record-keeping requirements cannot be followed, due to emergency circumstances, specify exactly which essential information will be recorded in order to account fully for Title II commodities.

(c) *Inspection and audit.* Cooperating sponsors shall cooperate with and give reasonable assistance to U.S. Government representatives to enable them at any reasonable time to examine activities of the cooperating sponsors, processors, or others, pertaining to the receipt, distribution, processing, repackaging, and use of commodities by recipients; to inspect commodities in storage, or the facilities used in the handling or storage of commodities; to inspect and audit records, including financial records and reports pertaining to storage, transportation, processing, repackaging, distribution and use of commodities; the deposit of and use of any Title II generated local currencies; to review the overall effectiveness of the program as it relates to the objectives set forth in the Food for Peace Program Agreement; and to examine or audit the procedure and methods used in carrying out the requirements of this Part. Inspections and audits of Title II emergency programs will take into account the circumstances under which such programs are carried out.

§ 211.11 Termination of program.

All or any part of the assistance provided under the program, including commodities in transit, may be terminated by AID at its discretion if the cooperating sponsor fails to comply with the provisions of the Food for Peace Program Agreement, this part, or if it is determined by AID that the continuation of such assistance is no longer necessary or desirable. Under such circumstances title to commodities which have been transferred to the cooperating sponsor shall at the written request of USAID, the Diplomatic Post, or AID/W, be retransferred to the U.S. Government by the cooperating sponsor. Any excess commodities on hand at the time the program is terminated shall be disposed of in accordance with § 211.5(1). If it is determined that any commodity to be supplied under the Food for Peace Program Agreement is no longer available for Food for Peace Programs, such authorization shall terminate with respect to any commodities which, as of the date of such determination have not been delivered f.o.b. or f.a.s. vessel, provided every effort will be made to give adequate advance notice to protect cooperating sponsors against unnecessarily booking vessels.

§ 211.12 Waiver and amendment authority.

AID may waive, withdraw, or amend, at any time, any or all of the provisions of this Part 211 if such provision is not statutory and if AID determines it is in the best interest of the U.S. Government to do so. Any cooperating sponsor which has failed to comply with the provisions of this part or any instructions or procedures issued in connection herewith, or any agreements entered into pursuant hereto may at the discretion of AID be suspended or disqualified from further participation in any distribution program. Reinstatement may be made at the option of AID. Disqualification shall not prevent AID from taking other action through other available means when considered necessary.

Dated: December 20, 1978.

ROBERT H. NOOTER,
Deputy Administrator.

[FR Doc. 79-385 Filed 1-3-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4859]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the city of Lincoln, Logan County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lincoln, Logan County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations

are available for review at the Logan County Regional Planning Commission, 529 South McClain Street, Lincoln, Illinois. Send comments to: The Honorable Edward M. Malerich, Mayor, City of Lincoln, 700 Broadway Street, Lincoln, Illinois 62656, Attention: Mr. Pat Glithero, Logan County Regional Planning Commission.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Lincoln, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brainard Branch	Just upstream of State Route 121.	564
	Just upstream of Jefferson Street.	564
	Just upstream of State Street.	566
	Just downstream of Palmer Avenue.	568
	Just upstream of Oglesby Avenue.	569
	Just downstream of Union Street.	570
	Just upstream of Illinois Central Gulf Railroad.	574
	Northern corporate limit.	575

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

NOTE.—In accordance with Section 7(o) (4) of the Department of HUD Act, section 324 of the Housing and Community Development Amendments of 1978, Pub L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-55 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4860]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Lyons, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Lyons, Cook County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Clerks Office, Lyons, Illinois. Send comments to: The Honorable William G. Smith, Village President, Village of Lyons, 7801 Ogden Avenue, Lyons, Illinois 60535.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Lyons, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River	At southern corporate limit.	598
	100 feet Downstream of Ogden Avenue.	600
	Downstream of Hoefman Dam.	604
	700 feet upstream of Hoefman Dam.	610
	3,000 feet Upstream of Hoefman Dam.	612
	1,000 feet Upstream of Salt Creek confluence at north corporate limit.	613
Salt Creek	At confluence with Des Plaines River.	612
	1,200 feet Upstream of confluence with Des Plaines River.	613
	2,030 feet Upstream of confluence with Des Plaines River.	614
	North corporate limits	615

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review re-

quirements in order to permit publication at this time for public comment.

Issued: December 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-56 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4861]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Shorewood, Will County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Shorewood, Will County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Administrator's Office, Route 52 and Raven Road, Joliet, Illinois. Send comments to: The Honorable Richard Talaga, Village President, Village of Shorewood, Village Administrator's Office, Route 52 and Raven Road, Joliet, Illinois 60435.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Shorewood, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Du Page River	1,600 feet downstream of Seal Road.	564
	Just downstream of Seal Road.	565
	Just upstream of Seal Road.	567
	Southern corporate limit.	569
	Just downstream of Cottage Street.	574
	Just upstream of U.S. Route 52.	577
	7,200 feet upstream of U.S. Route 52.	582
Hammel Creek	Confluence with Du Page River.	577
	Just downstream of Hammel Woods service road.	577
	Just upstream of Hammel Woods service road.	578
	100 feet downstream of Cottage Street.	583
	Just upstream of Cottage Street.	585
	Just downstream of Brookshore Drive.	591
	Just upstream of Brookshore Drive.	595
	150 feet downstream of Raven Road.	601
	Just upstream of Raven Road.	606
	Just downstream of private drive, 2,600 feet upstream of Raven Road.	614
	500 feet upstream of private drive, 2,600 feet upstream of Raven Road.	616

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-57 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4862]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Martinsville, Morgan County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Martinsville, Morgan County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, P.O. Box 1415, Martinsville, Indiana. Send comments to: The Honorable James Gardener, Mayor, City of Martinsville, P.O. Box 1415, Martinsville, Indiana 46151.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Martinsville, in accordance with section 110 of the Flood Disaster Protection Act of 1973

(Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White River	Approximately 3.7 miles downstream of Conrail Railroad Bridge.	590
	Upstream side of Conrail Bridge.	596
	Upstream side of State Route 39 Bridge.	600
	Approximately 2.69 miles upstream of State Route 39 at Northern Extraterritorial Limits.	604
Indian Creek	At mouth of White River.	590
	Upstream side of State Route 37.	592
	Upstream side of 500 West Road.	599
	2.8 miles upstream of 500 West Road.	606

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-58 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4863]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Porter, Porter County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Porter, Porter County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Porter, Indiana. Send comments to: Mr. Donald Cope, Town Board President, Town of Porter, 303 Franklin, Porter, Indiana 46304, Attention: Mr. William Fisher, Town Manager.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Porter, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Calumet River.	At downstream corporate limits.	613
	At Howe Road	614
	Just upstream of U.S. Highway 20.	616
	Just upstream of I-94	618
	At Waverly Road	620
	Upstream of Conrail	622
	Upstream corporate limits.	622
Peterson Ditch	At confluence with Little Calumet River.	614
	30 feet upstream from Howe Road.	615
	800 feet upstream from Howe Road.	616
	Downstream side of Beam Street.	621
	Upstream side of Beam Street.	627
	185 feet upstream of Conrail.	627
	200 feet downstream from U.S. Highway 20.	632
	Upstream of U.S. Highway 20.	636
	Upstream of I-94	637
	Upstream side of Conrail.	638
	Upstream side of Elgin Joliet and Eastern Railroad.	638
	At 23rd Street (Corporate limits).	638

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-59 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4864]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Parsonfield, York County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Parsonfield, York County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Clerk's Office, Route 2, Kezar Falls, Maine. Send comments to: Mr. Joe Watson, Chairman, Board of Selectmen, Town of Parsonsfield, Town Clerk's Office, Route 2, Kezar Falls, Maine 04047.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Parsonsfield, Maine, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ossipee River.....	Downstream Corporate Limits.	309
	Central Maine Power Company Dam-50 feet*.	349
	Central Maine Power Company Dam-50 feet**.	355
	State Highway 25-50 feet**.	363
	Old Wooden Dam-100 feet*.	364
	Old Wooden Dam-100 feet**.	371
	Confluence with Mill Brook.	382
	Upstream Corporate Limits.	386

*Downstream from centerline.
**Upstream from centerline

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-60 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4865]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Barton, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Barton, Allegany County, Maryland. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Barton, Maryland. Send comments to: Honorable James E. Shaw, Mayor of Barton, P.O. Box 153, Barton, Maryland 21521.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Barton, Allegany County, Maryland in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Georges Creek	Georges Creek Boulevard.	1,248
	Temperance Run Road	1,264
	Confluence of Butcher Run.	1,266
Butcher Run	Footbridge (culvert)	1,284
	Georges Creek Boulevard.	1,296
	Upstream Corporate Limits.	1,337

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-61 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4866]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Lonaconing, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Lonaconing, Allegany County, Maryland. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Lonaconing, Maryland. Send comments to: Honorable John H. Evans, Mayor of Lonaconing, 7 Jackson Street, P.O. Box 339, Lonaconing, Maryland 21539.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Lonaconing, Allegany County, Maryland in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Georges Creek	Downstream Corporate Limits.	1,473
	Union Street	1,490
	Confluence of Koontz Run.	1,503
	"A" Street	1,517
	East Main Street	1,536
	Upstream Corporate Limits.	1,550
Jackson Run	Island Avenue	1,481
	Union Street	1,492
	Alley #4	1,500
	Hanekemp Street	1,520
	Robin Street	1,534
	Jackson Street	1,615
	Upstream Corporate Limits.	1,647
Koontz Run	East Main Street	1,511
	Scotch Hill Road	1,567
	Beechwood Road	1,582

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-62 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4867]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Thurmont, Frederick County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Thurmont, Frederick County, Maryland. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Office, Thurmont, Maryland. Send comments to: Mr. C. Ray Weddle, President of the Council of Thurmont, 10 Frederick Road, Thurmont, Maryland 21788.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Thurmont, Frederick County, Maryland in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rouzer Creek	Water Street	465
	Approximately 540 feet upstream from Water Street.	470
	Approximately 690 feet downstream from Park Lane.	475
	Approximately 310 feet downstream from Park Lane.	480
	Approximately 130 feet downstream from Park Lane.	485
	Park Lane	492
	East Main Street	496
	Approximately 180 feet upstream from East Main Street.	500
	Approximately 415 feet upstream from East Main Street.	505
	Approximately 330 feet downstreat from Woodside Avenue.	510
	Woodside Avenue	517
	Approximately 160 feet upstream from Woodside Avenue.	520
	Approximately 270 feet upstream from Woodside Avenue.	525
	Sabillasville Road—State Route 81.	531
	Emmitsburg Road	539
Hunting Creek	Downstream Corporate Limits.	434
	Moser Street	436
	Hagerstown & Frederick Railroad.	444
	Approximately 420 feet downstream from confluence of Rouzer Creek.	453
	Confluence of Rouzer Creek.	457
	Approximately 270 feet upstream from confluence of Rouzer Creek.	465
	At unnamed road approximately 720 feet upstream from confluence of Rouzer Creek.	476
	Approximately 720 feet downstream from Frederick Road.	481
	Approximately 210 feet downstream from Frederick Road.	490
	Frederick Road	492
	Approximately 530 feet upstream from Frederick Road.	500
	Approximately 860 feet upstream from Frederick Road.	505
	Approximately 880 feet downstream from U.S. Route 15.	510
	Approximately 600 feet downstream from U.S. Route 15.	517
	U.S. Route 15	528
	Approximately 660 feet upstream from U.S. Route 15.	538
	Approximately 460 feet downstream from Foxville Road.	545
	Foxville Road	557
	Upstream Corporate Limits.	566

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-63 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4868]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Delano, Wright County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Delano, Wright County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Delano, Minnesota. Send comments to: The Honorable Cornelius Van Lith, Mayor, City of Delano, 2nd and Bridge Street, Delano, Minnesota 55328 Attention: Ms. Jean L. Johnson, City Clerk.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Delano, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork Crow River.	Northern corporate limits.	924
	200 feet downstream of Highway 12 Bridge Avenue.	925
		928
	Southern corporate limits.	929

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-64 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4869]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Henderson, Sibley County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Henderson, Sibley County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Henderson, Minnesota. Send comments to: The Honorable Heinrich Rannow, Sr., Mayor, City of Henderson, City Hall, Henderson, Minnesota 56044, Attention: Louise Krueger, City Clerk.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Henderson, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Minnesota River....	At downstream corporate limit.	740
	Just downstream of Minnesota Highway 19.	740
	Just upstream of Minnesota Highway 19.	741
	At upstream corporate limit.	741

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-65 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4870]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Isle, Mille Lacs County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Isle, Mille Lacs County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Isle, Minnesota. Send comments to: The Honorable Dennis Haggbery, Mayor, City of Isle, City Hall, Isle, Minnesota 56342.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Isle, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mille Lacs Lake	Shoreline of Isle	1,254
Malone Creek	Just downstream of U.S. Highway 47.	1,254
	Just upstream of U.S. Highway 47.	1,256
	East corporate limits	1,256

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-66 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4871]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Kasota, Le Sueur County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Kasota, Le Sueur County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, P.O. Box 218, Kasota, Minnesota. Send comments to: The Honorable Walter Vetter, Mayor, City of Kasota, City Hall, P.O. Box 218, Kasota, Minnesota 56050.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Kasota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum)
Minnesota River	Downstream corporate limits.	762
	1,300 feet upstream of northwest corporate limit.	763
Shanaska Creek	Just upstream of Pearl Street.	827
	750 feet upstream of Pearl Street.	832
	1,150 feet upstream of Pearl Street.	840
	At State Route 22	845

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

NOTE.—In accordance with Section 7(o) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-67 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4872]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Ramsey, Anoka County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations

listed below for selected locations in the City of Ramsey, Anoka County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Ramsey City Hall, 15153 Nowthen Boulevard, Anoka, Minnesota. Send comments to: The Honorable Arnold Cox, Mayor, City of Ramsey, Ramsey City Hall, 15153 Nowthen Boulevard, Anoka, Minnesota 55303.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Ramsey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River	At eastern corporate limits.	847
	At western corporate limits.	856
Rum River	At southern corporate limits.	852
	At Roanoak Street	853
	At northern corporate limits.	865
Trott Brook	At mouth	862
	3,400 feet upstream of St. Francis Boulevard.	862
	Just downstream of Nowthen Boulevard.	865
	Just upstream of Nowthen Boulevard.	871
	Just downstream of Armstrong Boulevard.	872
	Just upstream of Armstrong Boulevard.	873
	1 mile upstream of Armstrong Boulevard.	874
	Just downstream of trail near western corporate limit.	877
	3,700 feet downstream of Ermine Boulevard.	883
	Just downstream of Ermine Boulevard (near Eaton Street).	889
	Just upstream of Ermine Boulevard (near Eaton Street).	891
	Just downstream of Ermine Boulevard (near 180th Avenue).	891
	At western corporate limits.	893
East Channel Trott Brook.	At confluence with Trott Brook.	877
	At point of divergence with Trott Brook.	882
Ford Brook	At mouth	863
	Just downstream of Green Valley Road.	863
	Just upstream of Green Valley Road.	876
	Just downstream of St. Francis Boulevard.	877
	Just upstream of St. Francis Boulevard.	879
	4,000 feet upstream of St. Francis Boulevard.	880

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-68 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4873]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Rockford, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Rockford, Hennepin County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 6031 Main Street, Rockford, Minnesota. Send comments to: The Honorable Vernon Vergin, Mayor, City of Rockford, City Hall, 6031 Main Street, Rockford, Minnesota 55373.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Rockford, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

ment requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crow River	Northern corporate limits.	913
	Just upstream from State Highway 55.	915
	Southwest corporate limits.	917

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-69 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4874]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Unincorporated Areas of Anoka County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Unincorporated areas of Anoka County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Anoka County Comprehensive Health Department & Environment Services, Anoka Court House, 325 East Main Street, Anoka, Minnesota. Send comments to: Mr. Albert Kordiak, Chairperson of County Board of Commission, Anoka County, 325 East Main Street, Anoka, Minnesota 55303.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Unincorporated areas of Anoka County, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).)

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cedar Creek	At corporate boundary with the City Andover.	866
	7,250 feet upstream of county highway 9.	868
	Just downstream of county highway 22.	871
	Just upstream of county highway 22.	873
	5,300 feet upstream of county highway 22.	874
	500 feet downstream of Burlington-Northern Railroad.	877
	Just upstream of county highway 13.	880
	5,000 feet upstream of county highway 13.	881
	At corporate boundary with the City of East Bethel.	883
Ford Brook	At corporate boundary with the City of Ramsey.	877
	Just upstream of State Highway 47 near City of Ramsey corporate boundary.	879
	1,850 feet upstream of State Highway 47 near Viking Boulevard.	884
	800 feet downstream of county highway 22.	888
	Just upstream of county highway 22.	894
	Just upstream of Verde Valley Road.	897
	5,300 feet upstream of Verde Valley Road.	898
	250 feet downstream of county road 66.	905
Rum River	At corporate boundary with with City of Ramsey.	865
	At County Highway 22...	875
	At corporate boundary with the City of St. Francis.	891
West Branch Sunrise River.	At county boundary with Chisago County.	889
	1,850 feet upstream of county road 75.	894
	Just upstream of East Martin Lake Drive.	896
	Just upstream of county road 70 (Typo Lake).	900

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-70 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4875]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Vermillion, Dakota County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Vermillion, Dakota County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City of Vermillion, Dakota County, Minnesota. Send comments to: The Honorable Elmer Kiekow, Mayor, City of Vermillion, Vermillion City Hall, Vermillion, Minnesota 55085.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Vermillion, Dakota County, Minnesota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Vermillion River...	At northern corporate limits.	830
	300 feet downstream from 190th Street East.	834
	At western corporate limits.	837

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-71 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4876]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Wayzata, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Wayzata, Hennepin County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 600 Rice Street, Wayzata, Minnesota. Send comments to: The Honorable John W. Palmer, Mayor, City of Wayzata, City Hall, 600 Rice Street, Wayzata, Minnesota 55391.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Wayzata, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka...	Entire lake	931
Gleason Creek.....	Just downstream of Burlington Northern Railroad.	931
	Just upstream of Rice Street.	937

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of Wayzata Boulevard.	937
	Just upstream of Wayzata Boulevard.	941
	Just downstream of Central Avenue.	942
	Just downstream of U.S. Highway 12.	943
	Just upstream of Hollybrook Road.	945
	Mouth of Gleason Lake.	946

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-72 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4894]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Woodward, Lycoming County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Woodward, Lycoming County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building. Send comments to: Mr. Burton S. Smeal, Chairman of the Board of Supervisors of Woodward, R.D. 2, Linden, Pennsylvania 17744.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Woodward, Lycoming County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Downstream Corporate Limits.	537
	Conrail	538
	Upstream Corporate Limits.	541
Quenshukeny Run	Conrail	539
	U.S. Route 220	539
	Township Route 367	542
	Township Route 369	557
	Legislative Route 41028	579
	Township Route 375	630
	Upstream Corporate Limits.	635
Pine Run	Township Route 372	541
	Conrail	543
	Legislative Route 41026	543
	Township Route 343	546
	U.S. Route 220 East	556
	U.S. Route 220 West	557

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-73 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4877]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Lake Lotawana, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lake Lotawana, Jackson County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Route 4 Gate 1, Lake Lotawana, Missouri. Send comments to: The Honorable Robert Cox, Mayor, City of Lake Lotawana, City Hall, Route 4 Gate 1, Lake Lotawana, Missouri 64063.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Lake Lotawana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Lotawana	Within the corporate limits of the City of Lake Lotawana.	886
West Fork	Just upstream of Shore Drive at Dam.	886
	350 feet downstream of Shore Drive.	883
	780 feet downstream of Shore Drive.	842
	1,300 feet downstream of Shore Drive.	840
	2,200 feet downstream of Shore Drive.	840
	Eastern Corporate Boundary.	838

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-74 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4878]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of North Platte, Lincoln County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of North Platte, Lincoln County, Nebr. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, North Platte, Nebraska. Send comments to: The Honorable Carl E. Bieber, Mayor, City of North Platte, 211 West 3rd, North Platte, Nebraska 69101.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of North Platte, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fremont Slough	At the downstream extraterritorial limits.	2,779
	5,100 feet upstream of extraterritorial limits.	2,783
	6,300 feet downstream of Sutherland Power Return Canal.	2,791
	Just upstream of Sutherland Power Return Canal.	2,809
	Just upstream of Echo Drive.	2,807
	Just upstream of Walker Road.	2,818
	At upstream extraterritorial limits.	2,825
	3,200 feet upstream of extraterritorial limits.	2,831
South Platte River.	At the downstream extraterritorial limits.	2,778
	5,500 feet downstream of Sutherland Power Return Canal.	2,789
	Just upstream of U.S. Route 83.	2,802
	Centerline of Bufalo Bill Avenue extended.	2,812
	At Upstream extraterritorial limits.	2,835
North Platte River.	At the downstream extraterritorial limits.	2,775
	Just downstream of U.S. Route 30.	2,783
	Just upstream of Union Pacific Railroad.	2,788
	Just upstream of U.S. Route 83.	2,801
	At the upstream extraterritorial limits.	2,821
	2,600 feet upstream of extraterritorial limits.	2,824

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review re-

quirements in order to permit publication at this tijme for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-75 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4879]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Pleasant Valley, Dutchess County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Pleasant Valley, Dutchess County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Pleasant Valley Town Hall, Pleasant Valley, New York. Send comments to: Mr. Gary Veeder, Town Supervisor or Mr. Arthur Wager, Zoning Administrator, Pleasant Valley Town Hall, Pleasant Valley, New York 12569.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Pleasant Valley, Dutchess County, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wappinger Creek..	Approximately 200 feet upstream U.S. Route 44.	205
	Just upstream of Hurley Road.	228
	Just upstream of Hibernia Road.	237
Little Wappinger Creek.	Just upstream Salt Point Turnpike.	241
	Northern Corporate Limit.	252
East Branch Wappinger Creek.	Just upstream of Route 82.	267
Branch 2 Wappinger.	Approximatley 100 feet upstream of Parksville Lane.	253
Branch 3 Wappinger Creek.	Old Route 72.....	236
Branch 4 Wappinger Creek.	Just upstream of Hibernia Road.	239
Great Spring Creek.	Just upstream Route 72.	212
	Approximately 50 feet upstream Sherow Road.	217
Branch 1 Great Spring Creek.	Just downstream of Route 17.	237

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-76 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4359]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Valleyview, Franklin County, Ohio; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 35069 of the FEDERAL REGISTER of August 8, 1978.

EFFECTIVE DATE: August 8, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following elevation:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Dry Run.....	At upstream corporate limit.	788

Should be corrected to read:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Dry Run.....	At upstream corporate limit.	787

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-77 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4880]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Clinton, Lycoming County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Clinton, Lycoming County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Montgomery, Pennsylvania. Send comments to: Mr. George E. Smith, Chairman of the Board of Supervisors of Clinton, R.D. 1, Montgomery, Pennsylvania 17752.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Clinton, Lycoming County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Corporate Limits (Downstream).	489
	Conrail	491
	Conrail	502
	Pennsylvania Route 405.	504
	Corporate Limits (Upstream).	516
Black Hole Creek..	Corporate Limits (Downstream).	492
	Legislative Route 41005.	500
	Township Route 801	507
	Township Route 522	536
	Township Route 520	577
	U.S. Route 15	599

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557; 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-78 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4881]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Dunmore, Lackawanna County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Dunmore, Lackawanna County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Manager's Office, Borough Building, Dunmore, Pennsylvania. Send comments to: Honorable Martin S. Monaghan, Jr., Mayor of Dunmore, 1527 Electric Street, Dunmore, Pennsylvania 18512.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Dunmore, Lackawanna County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second

layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roaring Brook	Downstream Corporate Limits.	922
	Interstate Route 81	962
	Upstream of Abandoned Piers.	1,005
	Dam-Reservoir No. 7	1,062
	Upstream of Interstate Routes 380 and 84.	1,146
	Upstream Corporate Limits.	1,246
Little Roaring Brook.	Confluence with Roaring Brook.	1,028
	Hennigan Street	1,099
	East Drinker Street	1,133
	1,380 feet upstream of East Drinker Street.	1,162
Meadow Brook	Culvert Headwall at Electric Street.	836
	Jefferson Avenue	857
	1,360 feet upstream of Jefferson Avenue.	873

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-79 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4882]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of East Hempfield, Lancaster County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of East Hempfield, Lancaster County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the East Hempfield Township Building, Lancaster, Pennsylvania. Send comments to: Mr. Robert R. Good, Chairman of the Board of Supervisors of East Hempfield, 901 Roherstown Road, Lancaster, Pennsylvania 17601.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of East Hempfield, Lancaster County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 1	Stevens Street	362
	State Road (Upstream)	345
	Leabbrook Road	328
	Route 230 (Upstream)	316
Millers Run	2,200 feet above mouth	326
	Old Harrisburg Pike (Upstream).	316
Swarr Run	Nissley Road	360
	Colebrook Road (Upstream).	322
	Roherstown Road	311
	Shriener Road (Upstream).	308
Brubaker Run	Roherstown Road (Upstream).	330
	Confluence with Little Conestoga Creek.	292
Little Conestoga Creek.	Quarry Road (Upstream).	343
	Buch Road (Upstream)	324
	Flory Mill Road (Upstream).	316
	Conrail (Upstream)	313
	Harrisburg Pike (Upstream).	300
	Marietta Avenue	294
	Columbia Avenue (Upstream) (Route 340).	292
West Branch Little Conestoga Creek.	Donnerville Road (Upstream).	396
	Columbia Avenue (Upstream).	387
Chickies Creek	Erisman Road (Upstream).	355
	Route 230 (Upstream)	348
	Chiques Road (Upstream).	344

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-80 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4883]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Gregg, Union County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the pro-

posed base (100-year) flood elevations listed below for selected locations in the Township of Gregg, Union County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Gregg Township Fire Hall, Gregg, Pennsylvania. Send comments to: Mr. Hugh Foresman, Supervisor of the Township of Gregg, R.D. 1, Allenwood, Pennsylvania 17810.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Gregg, Union County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna river.	Downstream Corporate Limits.	489
	Pennsylvania Route 44	483
	Upstream Corporate Limits.	488
White Deer Hole Creek.	Conrail	481
	Legislative Route 627	481
	Legislative Route 59039	481
	Township Route 526	489

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

NOTE.—In accordance with Section 7(o)(4) of the Depatment of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-81 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4884]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Lancaster, Lancaster County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lancaster, Lancaster, County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bureau of Engineering, City Hall, 120 North Duke Street, Lancaster, Pennsylvania. Send comments to: Honorable Richard M. Scott, Mayor of Lancaster, 120 North Duke Street, Lancaster, Pennsylvania 17604.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Lancaster, Lancaster County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 1 to Little Conestoga Creek.	Harrisburg Pike Bridge	307
	Conrail Bridge	319
Conestoga River	East Strawberry Street	256
	Rockford Road	258
	Service Road	262
	Conrail Bridge	271
	Water Plant Bridge	272
Tributary No. 2 to Conestoga River.	Service Road to Water Treatment Plant.	271

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-82 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4885]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Lemoyne, Cumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Lemoyne, Cumberland County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Office, 665 Market Street, Lemoyne, Pennsylvania 17043.Send comments to: Mr. Kenneth Lantz, Jr., President of the Council of Lemoyne, 741 Walnut Street, Lemoyne, Pennsylvania 17043,

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Lemoyne, Cumberland County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Downstream Corporate Limits.	315
	Dam (upstream) 1,425 feet upstream of corporate limits.	317
	Upstream Corporate limits.	329

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-83 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4886]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Lincoln, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Lincoln, Allegheny County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the residence of Ms. Lianne Booth, Secretary of Lincoln, R. D. 4, Elizabeth, Pennsylvania. Send comments to: Honorable John Kismarik, Mayor of Lincoln, R. D. 1, Box 192 Finney Road, Elizabeth, Pennsylvania 15037.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Lincoln, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change

any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	Downstream Corporate Limits.	747
	Upstream Corporate Limits; confluence with Wylie Run.	748
Wylie Run	Confluence with Monongahela River.	748
	Corporate Limits 410' upstream confluence with Monongahela River.	748
	Upstream side of Glassport Road; Corporate Limits.	748
	Approximately 1,110' upstream of Glassport Road.	748
	Approximately 770' downstream from confluence with Happy Hollow Run.	755
	Confluence with Happy Hollow Run.	764

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,

Federal Insurance Administrator.

[FR Doc. 79-84 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4887]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Lower Saucon, Northhampton County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Lower Saucon, Northhampton County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Administrative Office, Bethlehem, Pensylvania. Send comments to: Honorable Anthony Mathione, Mayor of Lower Saucon, 4 Willowbrook Drive, Bethlehem, Pennsylvania 18015.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Lower Saucon, Northhampton County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lehigh River	At downstream Corporate Limites.	209
	At upsteam Corporate Limits.	223
Saucon Creek	Friedensville Road (Upstream).	277
	Skibo Road (Upstream)	284
	Conrail (Downstream)	291
	Conrail (Upstream)	296
	Meadows Road (Upstream).	301
	Old Mill Road (Upstream).	307
	Conrail (Upstream)	311
	Binder Road (Upstream)	328
	At upstream Corporate Limits.	333
Black River	Friedensville Road (Upstream).	304
	Mildred Lane (Upstream).	310
	Dam (Downstream)	318
	Dam (Upstream)	323
	Bingen Road (Upstream).	335
	Sandbrook Drive (Upstream).	375
	Black River Road (Upstream).	386
	State Route 378 (Downstream).	401
	State Route 378 (Upstream).	406
	Old Philadephia Pike (Upstrem).	413
	Black River Road (Downstream).	496
	Black River Road (Upstream).	502
	At upstream Corporate Limits.	513

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-85 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4888]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of North Annville, Lebanon County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of North Annville, Lebanon County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the residence of Mr. Edgar Wagner, 1929 Thompson Avenue, Jonestown, Pennsylvania. Send comments to: Mr. Marvin K. Meyer, Chairman of the Township of North Annville, R.D. 1, Annville, Pennsylvania 17003.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of North Annville, Lebanon County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swatara Creek.....	Gravel Hill Road (Upstream).	363
	7,500' Upstream of Gravel Hill Road.	367
	2,800' Downstream of Legislative Route 38004.	395
	Legislative Route 38004 (Upstream).	397
	3,900' Upstream of Legislative Route 38004.	398
Unnamed Stream F.	Confluence with Swatara Creek.	396
	Private Drive 825' Downstream of Harrison Road.	396
	Harrison Road (Upstream).	405

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-86 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4889]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of North Londonderry, Lebanon County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of North Londonderry, Lebanon County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the North Londonderry Township Building, Ridge Road, North Londonderry, Pennsylvania. Send comments to: Mr. Arthur Kling, Jr., Chairman of the Board of North Londonderry, P.O. Box 307, Palmyra, Pennsylvania 17078.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of North Londonderry, Lebanon County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are re-

quired. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed Stream "C".	Legislative Route 38001 (Upstream).	463
	Private Road 430 feet downstream from Legislative Route 38001 (Upstream).	456
	Unnamed Dam 1,330 feet downstream from Legislative Route 38001 (Upstream).	444
	Unnamed Dam 1,330 feet downstream from Legislative Route 38001 (Downstream).	437
	Private Road 2,320 feet downstream from Legislative Route 38001 (Upstream).	420
	Unnamed Dam 3,530 feet downstream from Legislative Route 38001 (Upstream).	401
	Unnamed Dam 3,530 feet downstream from Legislative Route 38001 (Downstream).	394
	Private Road 4,490 feet downstream from Legislative Route 38001 (Upstream).	384
	300 feet upstream from confluence with Quittapahilla Creek.	379

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub .L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-87 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4890]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Port Vue, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Port Vue, Allegheny County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, Port Vue, Pennsylvania. Send comments to: Honorable Ed Pollack, Mayor of Port Vue, 1624 Myer Avenue, Port Vue, Pennsylvania 15113.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Port Vue, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Youghiogheny River.	Downstream Corporate Limits.	744
	River Mile One Post	744
	15th Street Bridge	745
	Upstream Corporate Limits.	745

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-88 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4891]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Roaring Brook, Lackawanna County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Roaring Brook, Lackawanna County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the residence of the Township Secretary, R.D. 2, Moscow, Pennsylvania. Send comments to: Mr. Ronald B. Boyer, Chairman of the Board of Supervisors of Roaring Brook, R.D. 2, Box 168, Moscow, Pennsylvania 18444.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Roaring Brook, Lackawanna County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roaring Brook.....	At Upstream Corporate Limits with the Borough of Dunmore.	1,154
	Conrail Bridge Upstream.	1,213
	Upstream of Dam located about 2,100 feet upstream of Conrail Bridge.	1,229
	Upstream of Private Lane crossing.	1,270
	Upstream of Interstate 84.	1,342

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ.
Federal Insurance Administrator.

[FR Doc. 79-89 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4892]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of South Waverly, Bradford County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of South Waverly, Bradford County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough of South Waverly, Bradford County, Pennsylvania. Send comments to: Honorable Joseph Yanuzzi, Mayor of South Waverly 55 Pleasant Street, Waverly, New York 14892.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of South Waverly, Bradford County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Brook.....	Downstream Corporate Limits.	785
	U.S. Route 202 Downstream.	808
	U.S. Route 202 Upstream.	812
	Elmira Street (L. R. 08114) Foot Bridge.	821
	Foot Bridge.....	826
	Route N.Y. 17 Southern Tier Expressway Downstream.	827
	Route N.Y. 17 Southern Tier Expressway Upstream.	833
	Bradford Street Downstream.	833

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Bradford Street Upstream.	837
	Upstream Corporate Limits.	837
Chemung River	Downstream Corporate Limits.	776
	Upstream Corporate Limits.	778

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

NOTE.—In accordance with Section 7(o)(4) of the Depatment of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-90 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4893]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Trafford, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Trafford, Allegheny County Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Hall, Trafford, Pennsylvania. Send comments to: Honorable Frank Stankovich, Mayor of Trafford, Box 91, Trafford, Pennsylvania 15085.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Trafford, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Turtle Creek	Downstream Corporate Limits.	777
	Westernhouse Dam Upstream.	780
	Forbes Road Upstream	791
	About 2,000 feet upstream of Forbes Road Bridge.	798
Brush Creek	Conrail Bridge Upstream.	777
	Wallace Avenue Upstream.	782
	Upstream Corporate Limits.	785

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-91 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR PART 1917]

[Docket No. FI-4403]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Brookfield, Fairfield County, Conn.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 38421 of the FEDERAL REGISTER of August 28, 1978.

EFFECTIVE DATE: August 28, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Still River	900 feet upstream from Route 7 (downstream of Grays Road).	282
East Brook	2,680 feet upstream from Rocky Road.	429

Should be corrected to read:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Still River	900 feet upstream from Route 7 (downstream of Grays Bridge Road).	282
East Brook	2,650 feet upstream from Rocky Road.	429

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Develop-

ment Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-92 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4788]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of East Haddam, Middlesex County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of East Haddam, Middlesex County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, East Haddam, Connecticut. Send comments to: The Honorable D. J. Ferrary, First Selectman, town of East Haddam, town Office Building, Goodspeed Plaza, East Haddam, Connecticut 06423.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of East Haddam, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Salmon River	Confluence with Connecticut River.	12
	Confluence of Moodus River.	12
	Just upstram of Leesville Road.	12
	Just downstream of dam located upstream of Leesville Road.	12
	Just upstream of dam located upstream of Leesville Road.	29
	5,000 feet upstream of dam located upstream of Leesville Road.	31
Moodus River	Confluence with Salmon River.	12
	Just downstream of Johnsville Road.	12
	60 feet upstream of Johnsville Road.	18
	Just downstram of Johnson Mill Dam.	19
	Just upstream of Johnson Mill Dam.	33
	Just downstream of first dam located upstream of Leesville Road.	79
	Just upstream of first dam located upstream of Leesville Road.	92
	Just downstream of second dam located upstream of Leesville Road.	97
	Just upstream of second dam located upstream of Leesville Road.	107
	Just downstream of Moodus-Leesville Road.	112
	Just upstream of Moodus-Leesville Road.	115
	Just downstream of first dam located upstream of Moodus-Leesville Road.	119
	Just upstream of first dam located upstream of Moodus-Leesville Road.	126
	Just downstream of second dam located upstream of Moodus-Leesville Road.	144
	Just upstream of second dam located upstream of Moodus-Leesville Road.	152
	Just upstream of abandoned North Moodus Road bridge.	157
	Just downstream of North Moodus Road culvert.	166
	Just upstream of North Moodus Road culvert.	170
	Just downstream of dam located upstream of North moodus Road.	177
	Just upstream of dam located upstream of North Moodus Road.	188
	Just upstream of Sawmill road.	194
	Just downstream of dam located upstream of Sawmill Road.	199
	Just upstream of dam located upstream of Sawmill road.	203
	Just downstream of Falls Road.	244
	Just downstream of dam located upstream of Falls Road.	267
	Just upstream of dam located upstream of Falls Road.	270
	Just downstream of Natural Falls.	277
	Just upstream of Natural Falls.	338
	Just downstream of falls Bashan Road.	350
	Just upstream of Falls Bashan Road.	354
Connecticut River.	Southern corporate limits.	11
	Just upstream of State route 82.	11
	Confluence of Salmon River.	12
Succor Brook	Confluence with Connecticut River.	11
	Just upstream of Lumber Yard Road.	11
	Just downstream of Creamery Road.	16
Eightmile River	Southern corporate limits.	58
	Just upstream of Farm Bridge.	59
	Just downstream of State Route 82.	67
	Just upstream of Three Bridges Road.	73
	265 feet upstream of confluence with Hedge Brook.	83

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557,

92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-93 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4789]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of East Hampton, Middlesex County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of East Hampton, Middlesex County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, 20 East High Street, East Hampton, Connecticut. Send comments to: The Honorable Eaton E. Smith, Chairman, Board of Selectmen, Town Hall, 20 East High Street, East Hampton, Connecticut 06424.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Middlesex County, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Southern Corporate Limits.	18
	Northern Corporate Limits.	20
Salmon River.....	Southern Corporate Limits.	30
	0.7 mile Upstream of Southern Corporate Limits.	31
Pocotopang Creek.	Just Upstream of Old Chestnut Hill Road.	288
	0.2 mile Downstream of Skinner Street.	296
	Just Upstream of Skinner Street.	301
	Just Upstream of Middletown Avenue.	305
	Just Downstream of Dam.	341
	Just Upstream of Dam...	353
	0.15 mile Upstream of Dam.	354

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-94 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4404]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Hamden, New Haven County, Conn., Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 38422 of the FEDERAL REGISTER of August 28, 1978.

EFFECTIVE DATE: August 28, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Shepard Brook.....	50 feet Upstream of Dixwell Ave.	73
Brookdale Stream.	20 feet Upstream of Still Hill Rd.	304
Jepp Brook.....	20 feet Downstream of Bookdale Ave.	131
	1,100 feet Upstream of Dale Ave.	137
	120 feet Upstream of Still Hill Rd.	265
Farm Brook.....	100 feet Downstream of Brook St.	51
	100 feet Upstream of Wilbur Cross Parkway.	72
West Branch Farm Brook.	20 feet Upstream of Clover Circle.	73

Should be corrected to read:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Shepard Brook.....	Just Upstream of Dixwell Ave.	73
Brookdale Stream.	Just Upstream of Still Hill Rd.	304
Jepp Brook.....	Just Downstream of Bookdale Ave.	131
	1,100 feet Upstream of Brookdale Ave.	137
	Just Upstream of Still Hill Rd.	265
Farm Brook.....	Just Downstream of Brook St.	51
	Just Upstream of Wilbur Cross Parkway.	72
West Branch Farm Brook.	Just Upstream of Clover Circle.	73

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-95 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4790]

NATIONAL FLOOD INSURANCE PROGRAM

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Newington, Hartford County, Conn.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Engineer's Office, Newington, Conn.

Send comments to: Mr. Peter M. Curry, Town Manager, Town of Newington, Town Hall, 131 Cedar Street, Newington, Conn. 06111.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Newington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Webster Brook	Downstream corporate limits.	45
	Just upstream of Kelsey St.	50
	Approximately 1,000 feet below New Britain Ave.	62
	Just downstream of New Britain Ave.	63
Rockhole Brook	Mouth at Webster Brook.	50
	Just downstream of Stonehedge Dr.	54
	Just upstream of Stonehedge Dr.	56
	740 feet upstream of Stonehedge Dr. at upstream side of footbridge.	64
	Approximately 1,740 feet above Stonehedge Dr.	72
	Approximately 200 feet below Church St.	80
	Just upstream of Church St.	84
	Upstream limit of study below Willard Ave.	85
Mill Brook	Mouth of Piper Creek	53
	Just upstream of Hartford Ave.	54
	Just upstream of Main St.	54
	Just downstream of Dowd St.	55
	Just downstream of Cedar St.	60
	Just upstream of Cedar St.	63
	Just upstream of Mill Pond Dam.	75
	Just upstream of Wilson Ave.	77
	Just downstream of Robbins Ave.	79
	Just upstream of Robbins Ave.	81
Piper Brook.....	Downstream corporate limit.	53
	Just upstream of Main St.	55
	Upstream side of Willard Ave.	58
	Approximately 2,600 feet above Willard Ave.	60
	Just upstream of Conrail, Railroad Bridge.	65
	Just downstream of Cedar St.	71
	Upstream corporate limits.	80

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-96 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4365]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Naugatuck, New Haven County, Conn., Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 35496 of the FEDERAL REGISTER of August 10, 1978.

EFFECTIVE DATE: August 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free

Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

The following location:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Naugatuck River	Confluence of Beacon Hill Brook.	166
	Just Downstream of Dam located 400 feet Downstream of Route 63.	185
	Just Upstream of Route 63.	186
Beacon Hill Brook	60 feet Upstream of Private Crossing located 1,400 feet Downstream of Beacon Valley Rd.	253
Webb Brook	Just Upstream of Field St.	330
Fulling Mill Brook	Confluence of Cold Spring Brook.	230
	At a point 1,850 feet Upstream of Schildgen Brook.	400

Should be corrected to read:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Naugatuck River	Just Downstream of confluence of Beacon Hill Brook.	166
	Just Downstream of Dam located 400 feet Downstream of State Route 63.	185
	Just Upstream of State Route 63.	186
Beacon Hill Brook	Just Upstream of Private Crossing, located 1,400 feet Downstream of Beacon Valley Rd.	253
Webb Brook	250 feet Upstream of Field St.	330
Fulling Mill Brook	Just Upstream of confluence of Cold Spring Brook.	230
	At a point 1,825 feet Upstream of Schildgen Brook.	400

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-97 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4791]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Crown Point, Lake County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Crown Point, Lake County, Ind.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Crown Point City Hall, Crown Point, Ind.

Send comments to: Honorable Richard Collins, Mayor of Crown Point, 101 North East Street, Crown Point, Ind. 46307.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Crown Point, Lake County, Ind., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Main Beaver Dam Ditch.	State Route 43	679
	Madison St.	682
	Farm Rd.	684
	Merrillville Rd.	683
	State Route 55	688
	Conrail	689
South Tributary Main Beaver Dam Ditch.	Summit St.	694
	Pratt St.	694
	Wirtz Rd.	694
	U.S. Route 831	695

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-98 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4440]

NATIONAL FLOOD INSURANCE PROGRAM

Revision of Proposed Flood Elevation Determinations for the City of Lewiston, Androscoggin County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lewiston, Androscoggin County, Maine.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 43 F.R. 38715 on August 30, 1978, and in the *The Lewiston Daily Sun* published on August 29, and September 5, 1978, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Planning Department, City Hall, Lewiston, Maine 04240.

Send comments to: Mayor Lillian Caron or Mr. Gore Flynn, City Planning Director, City Hall, Lewiston, Maine 04240.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Lewiston, Androscoggin County, Maine, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Androscoggin River.	Downstream of the Gulf Island Dam.	215
	Just downstream of the Vietnam Veteran's Memorial Bridge.	179
	At North Bridge (Main St.).	137
	At Maine Turnpike	133
No Name Brook	At No Name Pond Rd	246
	Approximately 50 feet upstream of Sabattus St.	246
	Just upstream of Grove St.	203
	Just upstream of Webster Rd.	197
	Just upstream of Foss Rd.	189
No Name Brook Tributary A.	Approximately 100 feet downstream of Sabattus St.	210
	Approximately 200 feet upstream of No Name Pond Rd.	204
Salmon Brook	Eastern Corporate Limits.	138
Moody Brook	At Pinewoods Rd	160
Hart Brook	Just downstream of Westminster St.	207
	Approximately 100 feet upstream of Lisbon Rd.	189
	Just downstream of River Rd.	153
Jepson Brook	Approximately 50 feet upstream of Farwell St.	245
	At Brault St	216
	Just downstream of College Rd.	208
	Just downstream of Main St.	199
Stetson Brook	Just upstream of Hamel Rd.	242
	Approximately 200 feet downstream of Saint Tekakwitha Drive.	234
	At College Rd. upstream of Fairgrounds.	206
	Just downstream of Main St.	195

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

NOTE.—In accordance with Section 7(o)(4) of the Depatment of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-99 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4792]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Amherst, Hampshire County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Amherst, Hampshire County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Town Clerk, Amherst, Mass. Send comments to: Mr. Louis Hayward, Chairman of the Board of Selectmen of Amherst, Amherst Town Hall, Amherst, Mass. 01002.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Amherst, Hampshire County, Mass., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change

any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hop Brook	Boston & Maine Railroad.	159
	Station Rd. (Upstream)	163
Muddy Brook	Pomeroy Lane	143
	West St. (Upstream)	149
Plum Brook	West St	143
	Pomeroy Court (Upstream).	147
	Pomeroy Lane (Upstream).	149
	Potwine Lane (Upstream).	160
Fort River	Downstream Corporate Limits.	140
	West St. (Upstream)	150
	Boston & Maine Railroad (Upstream).	160
	Route 9 (Upstream)	168
	Pelham Rd. (Upstream).	174
Mill River	Downstream Corporate Limits	148
	Meadow St. (Upstream)	155
	Sanderland Rd. (Upstream).	172
	Montague Rd. (Upstream).	174
	Mill St. (Upstream)	203

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-100 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4793]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Berlin, Worcester County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Berlin, Worcester County, Mass.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Berlin, Mass.

Send comments to: The Honorable Phillip Bartlett, Chairman, Board of Selectmen, Town Hall, Berlin, Mass. 01503.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Berlin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wrack Meadow Brook	At mouth	289
	Just upstream of railroad bridge located 340 feet downstream of West St.	294
	Just upstream of West St.	295
	Approximately 700 feet downstream of railroad grade.	298
	Just downstream of railroad grade located 200 feet downstream of Boylston Rd.	306
	Just upstream of railroad grade located 200 feet downstream of Boylston Rd.	312
	Just downstream of Boylston Rd.	312
	Just upstream of Boylston Rd.	317
	Approximately 1,690 feet upstream of Boylston Rd.	323
	Upstream corporate limit.	334
Assabet River	At corporate limit with Town of Marlborough.	215
	Just upstream of Bigelow St.	216
	At corporate limit with Town of Northborough.	218
Branch #2 Assabet River.	At corporate limit with Town of Hudson.	266
	Approximately 765 feet upstream of downstream corporate limits.	270
	Approximately 900 feet upstream of downstream corporate limit.	291
	Just downstream of Gates Pond Rd.	317
	Just upstream of Gates Pond Rd.	320
	Approximately 750 feet upstream of Gates Pond Rd.	321
North Brook	At mouth	217
	Just upstream of Bridge Rd.	221
	Just upstream of Whitney St.	223
	Just downstream of Pleasant St.	224
	Just downstream of Wheeler Pond Dam.	227
	Just upstream of Wheeler Pond Dam.	229
	Just upstream of Crosby Rd.	233
	Just downstream of Jones Rd.	238

Source of flooding	Location	Elevation in feet, national geodetic vertical datum.
	Just upstream of South St.	241
	Approximately 160 feet downstream of Linden St.	247
	Just downstream of Ross Dam.	249
	Just upstream of Ross Dam.	274
	Just downstream of West St.	274
	Just upstream os West St.	284
	Just upstream of Earth Dam.	287
	Just upstream of Randall Rd 292.	
	Approximately 1,100 feet upstream of Randall Rd.	293
	Approximately 3,720 feet downstream of Lancaster Rd.	318
	Just downstream of railroad grade located 2,490 feet downstream of Lancaster Rd.	323
	Just upstream of railroad grade located 2,490 feet downstream of Lancaster Rd.	336
	Approximately 1,100 feet downstream of Lancaster Rd.	343
	Approximately 950 feet downstream of Lancaster Rd.	349
	Just downstream of Lancaster Rd 357.	
	Just upstream of Lancaster Rd.	361
	Just downstream of Asphalt Rd.	361
	Just upstream of Asphalt Rd.	366
	Upstream corporate limit.	366

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

NOTE.—In accordance with Section 7(o)(4). of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-101 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4794]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Bolton, Worcester County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Bolton, Worcester, Mass.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Bolton, Mass.

Send comments to: The Honorable Thomas D. Kelley, Chairman Board of Selectmen, Town of Bolton, Town Hall, Bolton, Mass. 01740.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Bolton, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Still/Nashua River.	2.5 miles downstream of Main St. at western corporate limit.	230
	.02 mile downstream of Main St.	231
	Just upstream of Main St.	232
	.38 mile upstream of Main St.	232
Mill Brook	At corporate limit .97 mile downstream of Mill Road at Hudson-Bolton corporate limit.	291
	.7 mile downstream of Mill Rd.	300
	.41 mile downstream of Mill Rd. at dirt road.	303
	.21 mile downstream of Mill Rd.	304
	Just downstream of Mill Rd.	310
	.08 mile upstream of Mill Rd. at foot bridge.	311
	.1 mile upstream of Mill Rd.	312
	At Mill Road .4 mile downstream of Spectacle Hill Rd.	313
	.17 mile downstream of Spectacle Hill Rd.	315
	.15 mile downstream of Spectacle Hill Rd. at asphalt road.	320
	.13 miles downstream of Spectacle Hill Rd. at corrugated steel pipe.	334
	.02 mile downstream of Spectacle Hill Rd.	343
	Just downstream of Spectacle Hill Rd.	344
Great Brook	.89 mile downstream of East End Rd. at Bolton-Hudson corporate limits.	231
	.66 mile downstream of East End Rd.	232
	.64 mile downstream of East End Rd. at downstream foot of dam.	233
	.64 mile downstream of East End Rd. at top of dam.	237
	.50 mile downstream of East End Rd.	240
	.49 mile downstream of East End Rd. at East Bolton Dam.	244
	Just downstream of East End Rd.	247
	Just upstream of East End Rd.	249
	.51 mile upstream of East End Rd., at private road.	269
	Just upstream of foot bridge .21 mile downstream of Main St.	274

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	.2 mile downstream of Main St.	275
	Just downstream of Main St.	280
	.03 mile upstream of Main St.	281
	.22 mile upstream of Main St.	286
	At Main St. .28 mile downstream of Burnam Rd.	291
	Just upstream of Burnam Rd.	326
	.03 mile downstream of Route 495 exit ramp.	326
	Just upstream of Route 495 exit ramp.	327
	.03 mile upstream of Route 495 exit ramp.	330
	At Route 495	330
	Just upstream of Main St.	333
	.11 mile upstream of Main St. at Route 495 exit ramp.	333
	.21 mile upstream of Main St. just upstream of dirt road.	338
	.33 mile upstream of Main St. just upstream of dirt road.	341
	.45 mile upstream of Main St.	341
	.60 mile upstream of Main St. just upstream of dirt road.	348
	.77 mile upstream of Main St. just downstream of dirt road.	354
	.77 mile upstream of Main St. just upstream of dirt road.	362
	.99 mile upstream of Main St. just upstream of foot bridge.	365
	1.17 miles upstream of Main St. at foot bridge.	370
	1.30 miles upstream of Main St. just upstream of foot bridge.	371
	1.34 miles upstream of Main St. just upstream of foot bridge.	375
	1.35 miles upstream of Main St. .03 mile downstream of second Main St. crossing.	376
	.02 mile upstream of second Main St. crossing.	377
	.12 mile downstream of Harvard Rd. just downstream of first dam.	392
	.10 mile downstream of Harvard Rd. just upstream of second dam.	395
	.06 mile downstream of Harvard Rd. just upstream of dirt road.	399
	Just upstream of Harvard Rd.	403
	Just upstream of Nousse Rd.	439

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-102 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4795]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Hatfield, Hampshire County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Hatfield, Hampshire County, Mass.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Clerk's Office, Hatfield, Mass. Send comments to: The Honorable A. Cory Bardwell, Chairman Board of Selectmen, Town of Hatfield, Town Hall, Hatfield, Mass. 011038.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Hatfield, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Southwest corporate limits.	126
	Northeast corporate limits.	129
Mill River	At confluence with Connecticut River.	126
	Just downstream of Prospect St. Dam.	126
	Just upstream of Prospect St. Dam.	135
	Just upstream of Bridge St.	138
	Just upstream of Chestnut St.	141
	Just upstream of Boston & Main Railroad.	144
	Just upstream of U.S. Highway 5.	148
	Just upstream of Bradford Depot Rd.	153
	Northern corporate limits.	155
Running Gutter Brook.	At confluence with Mill River.	138
	Just upstream of Boston & Maine Railroad.	139
	Just upstream of Interstate 91.	140
	0.20 Mile upstream of U.S. Highway 5.	143

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557,

92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-103 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4796]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Lynnfield, Essex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Lynnfield, Essex County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Planning Board Office, Lynnfield, Mass. Send comments to: Mr. David Miller, Chairman, Board of Selectmen, Town of Lynnfield, Town Hall, Lynnfield, Mass. 01940.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Lynnfield, Mass., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sugas River	Salem St.—at centerline.	64
	At confluence with Beaverdam Brook.	74
	Boston & Maine Railroad—100 feet*	76
	Vernon St.—100 feet*	79
Beaverdam Brook	Main St. (downstream crossing)—50 feet*	75
Bates Brook	Boston & Maine Railroad—10 feet*	105
	Chatham Way—40 feet*	116
Pillings Pond	At the west end of Island Road.	99

*Upstream of centerline

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-104 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4797]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Topsfield, Essex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Topsfield, Essex County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Clerk's Office, Town Hall, 8 West Common Street, Topsfield, Mass. 01983. Send comments to: Mr. Jetson Pratt, Chairman, Board of Selectmen, Town of Topsfield, Town Hall, 8 West Common Street, Topsfield, Mass. 01983.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Topsfield, Mass., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ipswich River	Newburyport Turnpike	39
	Rowley Bridge St	40
Branch of Ipswich River.	Dirt Rd	38
	Boston & Maine Railroad.	41
	Newburyport Turnpike	42
Fish Brook	Washington St	45
	River Rd	46
	Corporate Limits	47
Mile Brook	Newburyport Turnpike	46
	Dirt Rd	50
Pye Brook	Haverhill Rd.—40 Feet downstream from centerline.	59
	Haverhill Rd.—at centerline.	64
Howlett Brook	Newburyport Turnpike	50
	North St.	51
	Stage Coach Rd	54

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-105 Filed 1-3-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-4798]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Franklin, Merrimack County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Framklin, Merrimack County, N.H.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Franklin Planning Office, Franklin City Hall, Franklin, N.H.

Send comments to: Mr. K. A. Larrivee, City Manager of Franklin, Franklin City Hall, Franklin, N.H. 03235.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Franklin, Merrimack County, N.H. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack and Pemigewasset Rivers	Franklin Falls Dam (Downstream).	309
	Eastman Falls Dam (Upstream).	309
	Eastman Falls Dam (Downstream).	279
	Confluence of Winnipesaukee River.	272
	Confluence of Shaw Brook.	270
	Downstream Corporate Limits.	268
Winnepesaukee River.	Upstream Corporate Limits.	407
	Cross Mill Rd. Bridge	406
	Corporate Limits 1,795 feet downstream from Cross Mill Rd. Bridge.	386
	Abandoned Railroad Trestle 1,320 feet upstream from Breached Dam.	359
	Breached Dam (Upstream).	345
	Breached Dam (Downstream).	337
	Central Street (Upstream).	324
	J. P. Stevenson Co. Dam (Upstream).	323
	J. P. Stevenson Co. Dam (Downstream).	302
	Public Service Company Dam (Upstream).	301
	Public Service Company Dam (Downstream).	291
	Sulloway Mills Dam (Upstream).	286
	Sulloway Mills Dam (Downstream).	273
Chance Pond Brook.	Carr Street (Upstream)	400
	Webster Lake Dam (Upstream).	400
	Webster Lake Dam (Downstream).	395
	Kimball Street Bridge (Upstream).	369
	Boston and Maine Railroad.	364
	Unnamed Dam 164 feet upstream from North Main St. (Upstream).	309
	Unnamed Dam 164 feet upstream from North Main St. (Downstream).	297
	North Main St.	292
	Confluence with Pemigewasset River.	276

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: Dec. 8, 1978

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-106 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4422]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Northfield, Merrimack County, N.H., Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 38860 of the FEDERAL REGISTER of August 31, 1978.

EFFECTIVE DATE: August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Williams Brook	Just downstream of Route 38.	429
	Just upstream of Route 38.	434

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Williams Brook	Just downstream of Route 3B.	429
	Just upstream of Route 3B.	434

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-107 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4799]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Milford, Hillsborough County, N. H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Milford, Hillsborough County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Milford Town Office, Milford, New Hampshire. Send comments to: Mr. Walter Putnam Chairman of the Board of Selectmen of Milford, Milford Town Office, Milford, New Hampshire 03055.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Milford, Hillsborough County, New Hampshire in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Souhegan River.....	State Route 101 (Upstream).	222
	Old Public Service Dam (Downstream).	233
	Old Public Service Dam (Upstream).	237
	Goldman Dam (Downstream).	239
	Goldman Dam (Upstream).	242
	Confluence of Great Brook.	243
	Confluence of Tucker Brook.	249
	Confluence of Hartshorn Brook.	251
	Confluence of Purgatory Brook.	253
	Jones Crossing (Upstream).	279
	Wilton Road (Upstream).	298
	Boston & Maine Railroad (Upstream).	301
	Upstream Corporate Limits.	316
Great Brook.....	Confluence with Souhegan River.	243
	Railroad Pond Dam (Downstream).	249
	Railroad Pond Dam (Upstream).	258
	Boston and Maine Railroad.	258
	Lincoln St	258
	Boston & Maine Railroad.	259
	Milford Waterworks	261
	Confluence of Tributary E.	263
	Union St. (Downstream)	264
	Union St. (Upstream)	267
	Confluence of Ox Brook	268
	Osgood Rd. (Downstream).	269
	Osgood Pond Dam (Downstream).	270
	Osgood Pond Dam (Upstream).	274
	Mason Rd. (Upstream) ...	279
Tucker Brook.....	Confluence with Souhegan River.	249
	State Route 101 (Upstream).	254
	Boston & Maine Railroad (Upstream).	259

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Service Road "A" (Upstream).	267
	New State Route 101 (Upstream).	275
Purgatory Brook...	Confluence with Souhegan River.	253
	North River Rd. (Upstream).	260
	North Purgatory Rd. (Upstream).	263
Hartshorn Brook..	Confluence with Souhegan River.	251
	North River Rd. (Upstream).	254
	Jennison Rd. (Upstream).	258
Ox Brook.....	Confluence with Great Brook.	268
	Armory Rd. (Upstream).	269

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-108 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4845]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Perth Amboy, Middlesex County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Perth Amboy, Middlesex County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Perth Amboy City Hall, Perth Amboy, N.J. Send comments to: Honorable George Otlowski, Mayor of Perth Amboy, 260 High Street, Perth Amboy, N.J. 08861.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Perth Amboy, Middlesex County, N.J., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Raritan Bay.....	Shoreline.....	12

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-109 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4846]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Passaic, Passaic County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Passaic, Passaic County, N.J.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Passaic, N.J. Send comments to: Honorable Robert Hare, Mayor of Passaic, 101 Passaic Avenue, Passaic, N.J. 07055.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Passaic, Passaic County, N.J., in accordance with section 110 of the Flood Disaster Protec-

tion Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic	Downstream Corporate Limit.	15
	Union Ave. Downstream	15
	Gregory Ave. Downstream.	16
	Market St. Upstream and Downstream.	17
	Monroe St. Upstream	20
	Upstream Corporate Limit.	21
MacDonald Brook.	Main Ave. Upstream	46
	High St. Downstream	50
	Pennington Ave. Upstream.	56
	Passaic Ave. Downstream.	65
	Dam Downstream	71
	Dam Upstream	74
	Road Upstream	76
	Mineral Spring Ave. Downstream.	85
Weasel Brook	Confluence with Passaic River.	17
	Monroe St. Upstream	18
	Sherman St. Downstream.	24
	Parker Ave. Downstream.	26

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-110 Filed 1-3-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-4847]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Plattsburgh, Clinton County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Plattsburgh, Clinton County, N.Y.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Supervisor, R.D. 1, Banker Road, Plattsburgh, N.Y.

Send comments to: Mr. Arthur LeSevre, Supervisor of the Town of Plattsburgh, R.D. 1, Box 341, Banker Road, Plattsburgh, N.Y. 12901.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Plattsburgh, Clinton County, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Saranac River	Upstream Corporate Limits.	735
	Cadyville Dam Upstream.	735
	Cadyville Dam Downstream.	684
	Delaware and Hudson Railroad Upstream.	658
	Mill "C" Dam Upstream	658
	Mill "C" Downstream	606
	Kents Falls Rd. Bridge Upstream.	591
	Kents Falls Dam Upstream.	591
	Kents Falls Dam Downstream.	582
	State Route 228 Bridge Upstream.	359
	Treadwells Mill Dam Upstream.	269
	Treadwells Mill Dam Downstream.	268
	Fredenburgh Dam Upstream.	251
	Fredenburgh Dam Downstream.	223
	Indian Rapids Dam Upstream.	201
	Indian Rapids Dam Downstream.	199
	Downstream Corporate Limits.	102
Cumberland Bay	Gunboat Rock—entire reach.	102
	Grand Isle Ferry	102
	Gravelly Point—entire reach.	102
	Martin Paint—entire reach.	102
Scomotion Creek	Adirondack Northway Upstream.	102
Lake Champlain	Cliff Haven—entire reach.	102
	Bluff Point—entire reach.	102

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-111 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4848]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Armstrong, Lycoming County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Armstrong, Lycoming County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Armstrong, Pa.

Send comments to: Mr. Jack Reigle, Chairman of the Board of Armstrong, R.D. 4, Box 16, Williamsport, Pa. 17701.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Armstrong, Lycoming County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
West Branch Susquehanna River.	Downstream Corporate Limits.	517
	Market Street	530
	Arch Street	535
	Upstream Corporate Limits.	537
Mosquito Creek	Edgewood Ave	570
	Dam	579
	Legislative Route 41015	583
	Dam	602
	Legislative Route 41117	608
	Dam Downstream	623
	Dam Upstream	628
	Private Bridge Downstream.	628
	Private Bridge Upstream.	636
	Township Route 430	642
	Dam	678
	Private Bridge Downstream.	687
	Private Bridge Upstream.	691

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-112 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4849]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Baden, Beaver County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Baden, Beaver County, Pa.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, 369 State Street, Baden, Pa.

Send comments to: Honorable Robert Weber, Mayor of Baden, 369 State Street, Baden, Pa. 14004.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Baden, Beaver County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Downstream Corporate Limits.	707
	Upstream Corporate Limits.	708

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-113 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4850]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Hunlock, Luzerne County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Hunlock, Luzerne County, Pa.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Office, Hunlock Fire Department, Hunlock, Pa. Send comments to: Mr. Harry Cragle, Chairman of the Board of Supervisors of Hunlock, R.D. 1, Hunlock Creek, Pa. 18621.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Hunlock, Luzerne County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Corporate Limits (Downstream).	528
	State Hospital Bridge	530
Hunlock Creek	Conrail	533
	Dam Upstream of U.S. Route 11 (Upstream).	539
	Dam Upstream of U.S. Route 11 (Downstream).	545
	(Downstream Crossing) Legislative Route 935.	627
	Legislative Route 935	714
	Township Route 483	752
Tributary No. 1 to Hunlock Creek.	Dam (Downstream)	648
	Dam (Upstream)	655
	Private Bridge	669
Tibutary No. 2 to Hunlock Creek.	Private Bridge	715
	Legislative Route 935	798
	Township Route 532 (Downstream).	816
	Township Route 532 (Upstream).	820
Tributary No. 1 to Tributary No. 2.	Confluence with Tributary No. 2 to Hunlock Creek.	759
	2,325 feet above confluence with Tributary No. 2 to Hunlock Creek at Cross Section BQD.	780

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-114 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4851]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Penn, Snyder County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Penn, Snyder County, Pennsylvania. These base (100-year) flood elevations are the

basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Clifford Road, R.D. 1, Selinsgrove, Pennsylvania. Send comments to: Mr. Charles W. Mull, Chairman of the Township of Penn, R.D. 1, Selinsgrove, Pennsylvania 17870.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Penn, Snyder County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Downstream Corporate Limits.	430
	Upstream Corporate Limits.	434
Penns Creek	Confluence of Susquehanna River.	430
	U.S. Route 11/15	433
	Approach Road to U.S. Route 11/15.	433
	Gravel Pit Road (17,800 feet upstream of Approach Road to U.S. Route 11/15.	444
Middle Creek	U.S. Route 11/15	433
	Downstream Side of Dam (600 feet upstream of Middle Creek Road, Legislative Route 54021).	433
	Upstream Side of Dam (700 feet upstream of Middle Creek Rd. Legislative Route 54021).	444
	State Route 35	459
	Creek Road	460

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-115 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4853]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Susquehanna, Lycoming County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Susquehanna, Lycoming County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the residence of the Borough Secretary, R. D. 4, Williamsport, Pennsylvania. Send comments to: Mr. Kenneth Hafer, Sr. Chairman of the Board of Supervisors of Susquehanna, R. D. 4, Box 212, Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Susquehanna, Lycoming County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Downstream Corporate Limits.	537
	Conrail Bridge Upstream.	538
	Upstream Corporate Limits.	543
Bender Run.....	Legislative Route 41016 (Upstream).	538
	Porch (Upstream).....	542
	Private Dam (Upstream)..	587
	Private Bridge at confluence of Left Branch Bender Run (Upstream).	602
	Private Bridge approximately 4,250 feet above West Branch Susquehanna River.	624
	Private Bridge approximately 4,950 feet above West Branch Susquehanna River.	647
	Private Bridge approximately 6,200 feet above West Branch Susquehanna River.	690
	Valley Rd. (Upstream) ...	730
	Upstream Corporate Limits.	739
Bender Run Left Branch.	Legislative Route 41016..	539
	Valley Rd. (Upstream) ...	586
	Upstream Corporate Limits.	600

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 93 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-116 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4855]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Watsontown, Northumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Watsontown, Northumberland County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, Watsontown, Pennsylvania. Send comments to: Honorable Oliver Wetton, Mayor of Watsontown, P.O. Box 273, Watsontown, Pennsylvania 17777.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Watsontown, Northumberland County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Downstream Corporate Limits.	470
	L. R. 240 Spur	478
	Upstream Corporate Limits.	479
Spring Run	Confluence of West Branch Susquehanna River.	470
	Main Street	479
	Conrail Bridge (Downstream).	487
	Conrail Bridge (Upstream).	487
	Culvert (Downstream)....	487
	Conrail Railroad Culvert.	492
	Culvert (Upstream).....	494
	Liberty Street	497
	Upstream Corporate Limits.	499

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMINEZ,
Federal Insurance Administrator.

[FR Doc. 79-117 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4854]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Throop, Lackawanna County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Throop, Lackawanna County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the

second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Throop, Pennsylvania. Send comments to: Honorable John J. Stecco, Mayor of Throop, 104 George Street, Throop, Pennsylvania 18512.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Throop, Lackawanna County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lackawanna River	Downstream Corporate Limit.	733
	Boulevard Ave. Upstream.	736
	Upstream Corporate Limit.	750

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-118 Filed 1-3-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-4856]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of White Deer, Union County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of White Deer, Union County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the White Deer Township Building. Send comments to: Mr. Leonard Carls, Chairman of the Board of Supervisors of White Deer, R.D. 1, Box 262, New Columbia, Pennsylvania 17856.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of White Deer, Union County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Interstate Route 80	473
	Legislative Route 248 Spur.	477
	Corporate Limits Upstream.	480
Dog Run	River Road	471
	U.S. Route 15	485
	Private Bridge	487
	Legislative Route 59024	507
	Legislative Route 59024	529
	Private Bridge	533
	Legislative Route 59024	540
White Deer Creek	Conrail	477
	Buck Road Covered Bridge.	528
	Interstate Route 80	563
	Legislative Route 59045	601

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-119 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4857]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Bridport, Addison County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Bridport, Addison County, Vermont. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Office, Bridport, Vermont. Send comments to: The Honorable Bernard V Giard, Chairman, Board of Selectmen, Town of Bridport, Town Office, Bridport, Vermont 05734.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Bridport, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Champlain....	From Northern corporate limit to Southern corporate limit.	103

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

NOTE.—In accordance with Section (o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1973, Pub. L. 95-557, 92 Stat. 2030, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administration.

[FR Doc. 79-120 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4858]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Weirton, Brooke and Hancock Counties, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Weirton, Brooke and Hancock Counties, West Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Weirton Department of Inspections, Weirton, West Virginia. Send comments to: Mr. Joseph E. Nagy, City Manager of Weirton, 200 Municipal Plaza, Weirton, West Virginia 26062.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Weirton, Brooke and Hancock Counties, West Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Downstream Corporate Limits.	671
	Conrail.....	672
	Steubenville-Weirton Highway.	672
	National Steel Corporation Bridge.	674

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
...S.		
...to	Upstream Corporate Limits.	675
Harmon Creek	Confluence with Ohio River.	672
	Private Drive (Downstream).	672
	Private Drive (Upstream).	680
	Conrail	680
	State Route 2	681
Kings Creek	Confluence with Ohio River.	675
	Conrail	675
	Kings Creek Rd. (1.22 miles above Mouth) (Downstream).	687
	Kings Creek Rd. (1.22 miles Above Mouth (Upstream).	695
	Private Road (2.25 miles above Mouth).	708
	Kings Creek Rd. (3.53 miles above Mouth) (Upstream).	737
	North 12th Street (Upstream).	754
	Park Road (5.05 miles above Mouth).	771
	Park Road (5.12 miles above Mouth).	772
	Sondra Dr. (Upstream)	777
	Culler Rd. (Upstream)	801

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-121 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4852]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Olyphant, Lackawanna County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Olyphant, Lackawanna County, Pennsylvania.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, Olyphant, Pennsylvania. Send comments to: Honorable John Chichilla, Mayor of Olyphant, Willow Street, Olyphant, Pennsylvania 18447.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Olyphant, Lackawanna County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lackawanna River	Downstream Corporate Limits.	750
	Upstream Colliery Bridge.	756
	Upstream Delaware & Hudson Railroad Bridge.	762
	Upstream West Lackawanna Avenue Bridge.	766
	Upstream Corporate Limits.	792
Sterry Creek	Downstream Corporate Limits.	816
	About 2,100 feet upstream of downstream Corporate Limits.	837
	Upstream Limit of Detailed Study.	914

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-122 Filed 1-3-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4895]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Brookfield, Waukesha County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Brookfield, Waukesha County, Wisconsin. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed

rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of City Clerk, 2000 North Calhoun Road, Brookfield, Wisconsin. Send comments to: Mr. Clark Wangerin, City Engineer, City of Brookfield, City Hall, 2000 North Calhoun Road, Brookfield, Wisconsin 53005.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Brookfield, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox River	Just upstream of Town Line Rd.	823
	Just downstream of North Ave.	824
	At north corporate limits.	827
Poplar Creek	Just upstream of Enterpirse Rd.	824
	Just upstream of Davidson Rd.	829
Deer Creek	Corporate limits at Brookfield Rd.	830
	Just upstream of North Dechant Rd.	836
	South corporate limits	839
Underwood Creek	Downstream corporate limits.	751
	Just upstream of Clearwater Dr.	757
	Just upstream of Santa Maria Dr.	770
	Just upstream of Wood bridge Rd.	788
	Just upstream of Indian Creek Parkway.	798
	Approximately 100 feet upstream of Chicago, Milwaukee, St. Paul & Pacific Railroad.	816
	Just upstream of Pilgrim Rd.	822
Underwood Creek South Branch.	Just upstream of Chicago, Milwaukee, St. Paul & Pacific Railroad.	720
Underwood Creek North Branch.	Just upstream of Burleigh Rd.	755
Dousman Ditch	Just downstream of North Ave.	825
	Brookfield-Elm Grove corporate limit just downstream of Gebhardt Rd.	828
	Just downstream of Calhoun Rd.	835
Butler Ditch	Just upstream of Hampton Rd.	752
	Just upstream Lisbon Rd.	756
	Just upstream of Lilly Rd.	759
	Corporate limits at Lisbon Rd.	773
Butler Ditch South branch.	Mouth at Butler Ditch	762
	Just downstream of Capitol Dr.	767

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

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-123 Filed 1-3-79; 8:45 am]

[4830-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-198-77]

INCOME TAX

Claims for Credit or Refund by Income Tax Return Preparers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the filing of claims for credit or refund of certain penalties assessed against income tax return preparers. Changes to the applicable law were made by the Tax Reform Act of 1976. The regulations would affect all preparers claiming overpayment of these penalties and would provide them with the guidance needed to comply with the law.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 5, 1979.

Generally, the regulations are proposed to apply to claims filed more than 30 days after the date of publication of the final regulations in the FEDERAL REGISTER. However, the Internal Revenue Service will accept as properly filed all claims filed in accordance with either these proposed regulations or the final regulations until the expiration of this 30-day period after the publication of the final regulations in the FEDERAL REGISTER.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-198-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 6696 of the Internal Revenue Code of

1954, relating to the filing of claims for credit or refund of certain penalties assessed against income tax return preparers. These amendments are proposed to conform the regulations to the portion of section 1203 (f) of the Tax reform Act of 1976 which relates to the subject matter of these amendments (90 Stat. 1693), and are to be issued under the authority contained in section 6696 (c) of the Internal Revenue Code of 1954 (90 Stat. 1693; 26 U.S.C. 6696 (c)) and in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Section 1203 of the Tax Reform Act of 1976 established duties for income tax return preparers and provided penalties for the breach of these duties and procedures with respect to the collection of the penalties. On November 23, 1977, and on November 20, 1978, the FEDERAL REGISTER published final regulations to implement most of the provisions of section 1203 of the Act. The regulation proposed with this notice of proposed rulemaking would provide procedures for the filing by a preparer of a claim for credit or refund of an overpayment of any of these penalties. This regulation would not affect present Internal Revenue Service procedures which allow a preparer to request informally abatement of an assessed preparer penalty prior to payment of any part of the penalty. The regulation would also not affect present Service procedures providing for administrative appeal of preparer penalties prior to the filing of a claim for refund.

This regulation does not meet the Treasury criteria for a significant regulation under paragraph eight of the final Treasury Directive appearing in the FEDERAL REGISTER for Wednesday, November 8, 1978 (43 FR 52120).

DESCRIPTION OF PROPOSED REGULATION

Section 1.6696-1 (a) requires the Internal Revenue Service to issue to each income tax return preparer one or more statements of notice and demand for payment for all preparer penalties assessed against the preparer. Section 1.6696-1 (b) provides that a claim for credit or refund of a preparer penalty (or penalties) may be filed only by the preparer against whom the penalty (or penalties) is assessed. Section 1.6696-1 (c) provides that a preparer shall file a separate claim for each penalty asserted in each statement of notice and demand, or may file one or more consolidated claims for certain penalties imposed on the preparer by a single Internal Revenue Service Center (or district director).

Section 1.6696-1 (d) sets forth the required content of a claim for credit or refund of a preparer penalty (or penalties). Section 1.6696-1 (e) provides that Form 6118 is the form prescribed for filing this information with the Internal Revenue Service. Section 1.6696-1 (f) specifies that the claim is to be filed with the Internal Revenue Service Center (or district director) which issued the statement (or statements) of notice and demand to the preparer. Section 1.6696-1 (g) requires, generally, that the claim be filed within 3 years from the date the penalty payment was made.

Section 1.6696-1 (h) provides that the Internal Revenue Service may credit any amount of an overpayment of a preparer penalty (or penalties) against any outstanding liability of the preparer to the Internal Revenue Service. Section 1.6696-1 (i) (1) provides for the payment of interest by the Internal Revenue Service on the overpayment of a preparer penalty (or penalties). Section 1.6696-1 (i) (2) provides for the payment of interest by a preparer to the Internal Revenue Service on a preparer penalty (or penalties).

Finally, § 1.6696-1 (j) (1) provides that a preparer may not maintain a civil action for the recovery of any of the preparer penalties in a court which would otherwise have jurisdiction of the proceeding if the preparer had not filed a claim as provided in these regulations. Section 1.6696-1 (j) (2) provides that, generally, the periods of limitation contained in section 6532 and the regulations thereunder apply to a preparer's suit for the recovery of a preparer penalty.

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 inspection 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 is Mark L. Yecies 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 regulations, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The Income Tax Regulations (26 CFR Part 1) are proposed to be amended by adding the following new section immediately after § 1.6695-1:

§ 1.6696-1 Claims for credit or refund by income tax return preparers.

(a) *Notice and demand.* (1) The Internal Revenue Service shall issue to each income tax return preparer one or more statements of notice and demand for payment for all penalties assessed against the preparer under section 6694 and § 1.6694-1, or under section 6695 and § 1.6695-1.

(2) For the definition of the term "income tax return preparer" (or "preparer"), see section 7701(a)(36) and § 301.7701-15.

(b) *Claim filed by preparer.* A claim for credit or refund of a penalty (or penalties) assessed against a preparer under section 6694 and § 1.6694-1, or under section 6695 and § 1.6695-1, may be filed under this section only by the preparer (or the preparer's estate) against whom the penalty (or penalties) is assessed and not by, for example, the preparer's employer.

(c) *Separation and consolidation of claims.* (1) Unless paragraph (c)(2) of this section applies, a preparer shall file a separate claim for each penalty asserted in each statement of notice and demand issued to the preparer.

(2) A preparer may file one or more consolidated claims for any or all penalties imposed on the preparer by a single Internal Revenue Service Center (or district director) under section 6695(a) and § 1.6695-1(a) (relating to failure to furnish copy of return to taxpayer), section 6695(b) and § 1.6695-1(b) (relating to failure to sign), section 6695(c) and § 1.6695-1(c) (relating to failure to furnish identifying number), or under section 6695(d) and § 1.6695-1(d) (relating to failure to retain copy of return or record), whether the penalties are asserted on a single or on separate statements of notice and demand. In addition, a preparer may file one consolidated claim for any or all penalties imposed on the preparer by a single Internal Revenue Service Center (or district director) under section 6695(e) and § 1.6695-1(e) (relating to failure to file correct information return), which are asserted on a single statement of notice and demand.

(d) *Content of claim.* Each claim for credit or refund of any penalty (or penalties) paid by a preparer under section 6694 and § 1.6694-1, or under section 6695 and § 1.6695-1, shall include the following information, verified by a written declaration by the preparer that the information is provided under penalty of perjury:

(1) The preparer's name.

(2) The preparer's identification number. If the preparer is—

(i) An individual (not described in subdivision (iii) of this paragraph (d)(2)) who is a citizen or resident of the United States, the preparer's social security account number shall be provided;

(ii) An individual who is not a citizen or resident of the United States and also was not employed (or engaged) by

another preparer to prepare the document (or documents) with respect to which the penalty (or penalties) was assessed, the preparer's employer identification number shall be provided; or

(iii) A person (whether an individual, corporation, or partnership) who employed (or engaged) one or more persons to prepare the document (or documents) with respect to which the penalty (or penalties) was assessed, the preparer's employer identification number shall be provided.

(3) The preparer's address where the Internal Revenue Service mailed the statement (or statements) of notice and demand and, if different, the preparer's address shown on the document (or documents) with respect to which the penalty (or penalties) was assessed.

(4)(i) The address of the Internal Revenue Service Center (or district director) which issued to the preparer the statement (or statements) of notice and demand for payment of the penalty (or penalties) included in the claim; and

(ii) The date (or dates) and identifying number (or numbers) of the statement (or statements) of notice and demand.

(5)(i) The identification, by amount, type, and document to which related, of each penalty included in the claim. Each document referred to in the preceding sentence shall be indentified by the form title or number, by the taxpayer's (or nontaxable entity's) name and identification number, and by the taxable year to which the document relates;

(ii) The date (or dates) of payment of the amount (or amounts) of the penalty (or penalties) included in the claim; and

(iii) The total amount claimed.

(6) A statement setting forth in detail—

(i) Each ground upon which each penalty overpayment claim is based; and

(ii) Facts sufficient to apprise the Internal Revenue Service of the exact basis of each such claim.

(e) *Form for filing claim.* Notwithstanding § 301.6402-2 (c), Form 6118 is the form prescribed for making a claim as provided in this section.

(f) *Place for filing claim.* A claim filed under this section shall be filed with the Internal Revenue Service Center (or district director) which issued to the preparer the statement (or statements) of notice and demand for payment of the penalty (or penalties) included in the claim.

(g) *Time for filing claim.* (1) Except as provided in section 6694 (c) (1) and § 1.6694-2 (a) (3) (ii) and (4), and in section 6694 (d) and § 1.6694-1 (c)—

(i) A claim for a penalty paid by a preparer under section 6694 and § 1.6694-1, or under section 6695 and § 1.6695-1, shall be filed within 3 years from the date the payment was made; and

(ii) A consolidated claim, permitted under paragraph (c) (2) of this section, shall be filed within 3 years from the first date of payment of any penalty included in the claim.

For purposes of this paragraph (g) (1), payment is considered made on the date payment is received by the Internal Revenue Service or, where applicable, on the date an amount is credited in satisfaction or the penalty.

(2) The rules under sections 7502 and 7503 and the regulations thereunder apply to the timely filing of a claim as provided in this section.

(h) *Application of refund to outstanding liability of income tax return preparer.* The Internal Revenue Service may, within the applicable period of limitation, credit any amount of an overpayment by a preparer of a penalty (or penalties) paid under section 6694 and § 1.6694-1, or under section 6695 and § 1.6695-1, against any outstanding liability for any tax (or for any interest, additional amount, addition to the tax, or assessable penalty) owned by the preparer making the overpayment. If a portion of an overpayment is so credited, only the balance will be refunded to the preparer.

(i) *Interest.* (1) Section 6611 and the regulations thereunder apply to the payment by the Internal Revenue Service of interest on an overpayment by a preparer of a penalty (or penalties) paid under section 6694 and § 1.6694-1, or under section 6695 and § 1.6695-1.

(2) Section 6601 and the regulations thereunder apply to the payment of interest by a preparer to the Internal Revenue Service on any penalty (or penalties) assessed against the preparer under section 6694 and § 1.6694-1 or under section 6695 and § 1.6695-1.

(j) *Suits for refund of preparer penalty.* (1) A preparer may not maintain a civil action for the recovery of any penalty paid under section 6694 and § 1.6694-1, or under section 6695 and § 1.6695-1, unless the preparer has previously filed a claim for credit or refund of the penalty as provided in this section (and the court has jurisdiction of the proceeding). See sections 6694 (c) and 7422.

(2) (i) Except as provided in section 6694 (c) (2) and § 1.6694-2 (b), the periods of limitation contained in section 6532 and the regulations thereunder apply to a preparer's suit for the recovery of any penalty paid under section 6694 and § 1.6694-1, or under section 6695 and § 1.6695-1.

(ii) The rules under section 7503 and the regulations thereunder apply to the timely commencement by a preparer of a suit for the recovery of any penalty paid under section 6694 and § 1.6694-1, or under section 6695 and § 1.6695-1.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 79-344 Filed 1-3-79; 8:45 am]

[4830-01-M]

[26 CFR Part 1]

[LR-1671]

ARBITRAGE BONDS

Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed amendments to the arbitrage bond regulations, under section 103(c) of the Internal Revenue Code of 1954, which appeared in the FEDERAL REGISTER for September 7, 1978 (43 FR 39822).

DATES: The public hearing will be held on February 7, 1979, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by January 26, 1979.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines for oral comments on the proposed amendments to the regulations should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-1671), 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the arbitrage bond regulations under section 103(c) of the Internal Revenue Code of 1954. These proposed amendments appeared in the FEDERAL REGISTER for Thursday, September 7, 1978 (43 FR 39822).

On May 3, 1973, the FEDERAL REGISTER published proposed Income Tax Regulations (26 CFR Part 1) under section 103(c) of the Internal Revenue Code of 1954 (38 FR 10944). The proposed regulations were revised by notices of proposed rulemaking published in the FEDERAL REGISTER for De-

cember 3, 1975 (40 FR 56488), October 9, 1976 (41 FR 47679), May 31 1977 (42 FR 27610), June 9 1977 (42 FR 29517), May 8 1978 (43 FR 19675), corrected by notices published in the FEDERAL REGISTER for May 11, 1973 (38 FR 12405), December 18, 1975 (40 FR 58656), November 24, 1976 (41 FR 51840), and June 21, 1977 (42 FR 31462). The proposed regulations which are the subject of this hearing further revise the proposed regulations.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed amendments and who desire to present oral comments at the hearing on the proposed amendments must submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject. As stated above, this outline must be delivered or mailed by January 26, 1979. Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time taken by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, those attending the hearing cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

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

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

By direction of the Commissioner of Internal Revenue.

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

[FR Doc. 79-388 Filed 1-3-79; 8:45 am]

[4830-01-M]

[26 CFR Part 31]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Wage Withholding on Remuneration for Which a Corresponding Deduction is Allowable Under Section 913

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this FEDERAL REGISTER, the Internal Revenue Service is issuing a temporary income tax regulation relating to wage withholding on remuneration for which a corresponding deduction is allowable under section 913. The temporary regulation also serves as a notice of proposed rulemaking for final income tax regulations.

DATES: The temporary regulations are effective on January 1, 1979. The regulations are prescribed under a change to the applicable tax law which was made by the Foreign Earned Income Act of 1978. The proposed regulations are to be effective for the same period. Written comments and requests for public hearing must be delivered or mailed by March 16, 1979.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention, CC:LR:T, (LR-212-78) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Mary E. Dean of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION: The temporary regulation in the Rules and Regulations portion of this issue of the FEDERAL REGISTER amends 26 CFR Part 37. The final regulations which are proposed to be based on the temporary regulation would amend 26 CFR Part 31.

For the text of the temporary regulation, see FR Doc. 78-36484 (T.D. 7588) published in the Rules and Regulation portion of this issue of the FEDERAL REGISTER.

JEROME KURTZ,
Commissioner of Internal Revenue.

DECEMBER 29, 1978.

[FR Doc. 78-36485 Filed 12-29-78; 4:24 pm]

[7550-01-M]

NATIONAL MEDIATION BOARD

[29 CFR Parts 1202, 1206]

REPRESENTATION DISPUTES AND RULES OF PROCEDURE

Extension of Public Comment Periods

AGENCY: National Mediation Board.

ACTION: Notice of the extension of public comment periods.

SUMMARY: The comment periods for the three proposed rulemaking actions specified below have been extended until January 24, 1979. This extension has been granted in order to permit additional public consideration of the Board's proposed regulations. The proposed rulemaking actions affected by this extension are the following:

(1) Notice of Proposed Rulemaking publised at 43 FR 49015 on October 20, 1978, relating to the time limits for filing R-case applications provided by 29 CFR § 1206.4;

(2) Notice of Proposed Rulemaking published at 43 FR 52032 on November 8, 1978, relating to the page limitations for briefs in NMB hearings to be provided by 29 CFR § 1202.15; and

(3) Notice of Proposed Rulemaking published at 43 FR 54267 on November 21, 1978, relating to deleting the showing of interest requirement for unrepresented employees provided by 29 CFR § 1206.2.

DATES: Consideration will be given to all written comments received at the Board's offices on or before January 24, 1979.

ADDRESS: Written comments should be addressed to Mr. Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board, Washington, D.C. 20572.

FOR FURTHER INFORMATION CONTACT:

Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board, Telephone: 202-523-5920.

By direction of the National Mediation Board.

Dated: December 28, 1978.

ROWLAND K. QUINN, Jr.,
Executive Secretary.

[FR Doc. 79-328 Filed 1-3-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS' EDUCATION

Post-Vietnam Era Veterans; Educational Assistance

AGENCY: Veterans Administration and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: The following regulatory provisions implement portions of the Veterans' Education and Employment Assistance Act of 1976. They deal with a new participatory program for educational assistance for persons who first enter active duty in the Armed Forces after December 31, 1976. The regulations included in this publication will implement this new program.

DATES: Comments must be received on or before March 5, 1979. It is proposed to make this amendment effective January 1, 1977, the effective date

of sections 401-408 of Pub. L. 94-502 (90 Stat. 2383).

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A) Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. Comments will be available for inspection at the above address during normal business hours until March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 204020 (202-389-2092).

SUPPLEMENTARY INFORMATION: Chapter 32, title 38, United States Code, as added by sections 401-408 of Pub. L. 94-502, effective January 1, 1977, provides for a new participatory veterans educational assistance program to replace the previous nonparticipatory one. Service members will contribute varying amounts of money to a fund to be supplemented on a two for one basis by the Veterans Administration (with other supplemental funds, if any, from the Department of Defense). Individuals who qualify will be entitled to 36 months of benefits in an amount dependent upon their respective fund balances. These regulations are designed to incorporate policy used to administer chapters 34 and 36 educational assistance programs to the extent that the policies are consistent with the provisions of chapter 32. Other regulations proposed, of necessity, have no counterpart in former policies due to different legal criteria for eligibility, etc., required by the terms of chapter 32.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), until March 15, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: December 21, 1978.

MAX CLELAND,
Administrator of Veterans' Affairs.

Approved: December 28, 1978.

I. M. GREENBERG,
Deputy Assistant Secretary of Defense (Program Management).

In Part 21, a new Subpart G is added to read as follows:

Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Ch. 32

ADMINISTRATIVE

Sec.
21.5001 Administration of benefits program; chapter 32.

GENERAL

21.5020 Post-Vietnam era veterans' educational assistance.
21.5021 Definitions.
21.5022 Eligibility under more than one program.
21.5023 Nonduplication; Federal programs.

CLAIMS AND APPLICATIONS

21.5030 Applications, claims, informal claims, and time limits.

ELIGIBILITY

21.5040 Basic eligibility.
21.5041 Periods of entitlement.

PARTICIPATION

21.5050 Requirements for participation.
21.5051 Disenrollment.
21.5052 Suspension of participation.
21.5053 Death of participant.

ENTITLEMENT

21.5060 Entitlement.
21.5061 Excessive absences.
21.5062 Active duty.
21.5063 Overpayment cases.
21.5064 Interruption to conserve entitlement.

COUNSELING

21.5100 Counseling.
21.5101 Failure to cooperate.
21.5102 Counseling; change or reentrance.
21.5103 Travel expenses.

PAYMENTS; EDUCATIONAL ASSISTANCE ALLOWANCE

21.5130 Payments; educational assistance allowance.
21.5131 Amount of benefit.

STATE APPROVING AGENCIES

21.5150 State approving agencies.

SCHOOLS

21.5200 Schools.

PROGRAMS OF EDUCATION

21.5230 Programs of education.
21.5231 Combination.
21.5232 Change of program.
21.5233 Predischarge Education Program (PREP); chapter 32.

COURSES

21.5250 Courses.

ASSESSMENT AND PURSUIT OF COURSE

21.5270 Assessment and pursuit of course.

NONDISCRIMINATION IN VOCATIONAL REHABILITATION AND EDUCATIONAL PROGRAMS—TITLE VI, CIVIL RIGHTS ACT OF 1964

21.5300 Civil Rights.

EDUCATION LOANS

21.5500 Education loans.

AUTHORITY: 72 Stat. 1114, 90 Stat. 2393; (38 U.S.C. 210, 1601-1643).

ADMINISTRATIVE

§ 21.5001 Administration of benefits program; chapter 32.

The provisions of the following sections are to be applied in the administration of benefits payable under chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36:

(a) Section 21.4001—Delegations of authority.

(b) Section 21.4002—Finality of decisions.

(c) Section 21.4003—Revision of decisions.

(d) Section 21.4005—Conflicting interests.

(e) Section 21.4006—False or misleading statements.

(f) Section 21.4007—Forfeiture.

(g) Section 21.4008—Prevention of overpayments.

(h) Section 21.4009—Overpayments; waiver or recovery. (38 U.S.C. 1641)

GENERAL

§ 21.5020 Post-Vietnam era veterans' educational assistance.

Chapter 32, title 38, United States Code, effective January 1, 1977, provides for a participatory program for educational assistance benefits to veterans and service members eligible under the terms of § 21.5040. The intent of Congress is that this program shall:

(a) Provide educational assistance to those men and women who enter the Armed Forces after December 31, 1976,

(b) Assist such individuals to obtain an education they might not otherwise be able to afford, and

(c) Promote and assist the all volunteer military program of the United States by attracting qualified persons to serve in the Armed Forces. (38 U.S.C. 1601)

§ 21.5021 Definitions.

For the purpose of Subpart G and payment of chapter 32 benefits the following definitions shall apply:

(a) "Eligible veteran" or "veteran"—means any veteran whose service

meets the requirements of § 21.5040. The term includes a serviceman or servicewoman whose service meets the requirements of § 21.5040(d). (38 U.S.C. 1602)

(b) "Active duty"—means full-time duty in the Armed Forces or as a commissioned officer of the regular or Reserve Corps of the Public Health Service or of the National Oceanic and Atmospheric Administration. It does not include any period during which an individual:

(1) Was assigned full-time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians,

(2) Served as a cadet or midshipman at one of the service academies,

(3) Served under the provisions of section 511(d) of title 10, United States Code, pursuant to an enlistment in the military reserves or national guards,

(4) Served in an excess leave without pay status, or

(5) Served in a status specified in § 3.15 of this chapter. (38 U.S.C. 1602)

(c) "State"—means each of the several States, territories and possessions of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the Canal Zone. (38 U.S.C. 101)

(d) "Unit"—means not less than one hundred and twenty 60-minute hours or their equivalent of study in any high school subject in 1 academic year. (38 U.S.C. 1641; 1788)

(e) "School", "educational institution", "institution"—mean the same as defined for chapter 34 benefits in § 21.4200(a)(1). (38 U.S.C. 1602; 1652)

(f) "Divisions of the school year"—means the same as defined in § 21.4200(b).

(g) "External degree", "standard college degree," "undergraduate college degree", "standard class session", and "institution of higher learning" have the same meaning as defined in § 21.4200 (d) through (h). (38 U.S.C. 1641; 1652)

(h) "Participant"—means a person who is participating in the educational benefits program established under chapter 32. This includes: (1) A person who has enrolled in and is making contributions by monthly payroll deduction to the "fund".

(2) Those veterans or servicepersons who have contributed to the "fund" and have not disenrolled (i.e., users or potential users of benefits). (38 U.S.C. 1602)

(i) "Fund"—means that trust fund account established to maintain the dollar contributions of the participant (and contributions, if any, from the Department of Defense). The statistical and dollar amount segment of this "fund" will be recorded and maintained by the Veterans Administration. (38 U.S.C. 1622)

(j) "Suspends"—means a participant stops contributing to the "fund" (temporarily or permanently). Such person can resume contributions without penalty and/or can utilize benefits accrued, if otherwise eligible. (38 U.S.C. 1621)

(k) "Disenrolls"—means a participant terminates participation and forfeits any entitlement to benefits except for a refund of his or her contributions previously made. (38 U.S.C. 1621)

(l) "Hardship" or "other good reasons"—means circumstances considered to be such by the Department of Defense and the Veterans Administration when referring to suspension or disrollments, such as illness of the participant or a member of his or her immediate family, unexpected personal expense, etc. (38 U.S.C. 1621(b))

§ 21.5022 Eligibility under more than one program.

An individual eligible to receive educational assistance pursuant to chapter 32, title 38, United States Code, and the provisions of Subpart G is not eligible to receive educational assistance allowance pursuant to chapter 34, title 38, United States Code. If otherwise eligible, a veteran may receive vocational rehabilitation training pursuant to chapter 31, title 38, United States Code, and/or educational assistance allowance pursuant to chapter 35, title 38, United States Code, but not concurrently with benefits under chapter 32. The 48-month limitation on benefits under more than one program does not apply to benefits under chapter 32. (38 U.S.C. 1621)

§ 21.5023 Nonduplication; Federal programs.

An individual may not receive educational assistance allowance pursuant to chapter 32, title 38, United States Code, if the individual is:

(a) On active duty and is pursuing a course of education which is being paid for, in whole or in part, by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service), or

(b) Attending a course of education or training paid for, in whole or in part, under the Government Employees' Training Act and whose full salary is being paid to him or her while so training. (38 U.S.C. 1641, 1781)

Claims and Applications

§ 21.5030 Applications, claims, informal claims, and time limits.

(a) An individual must apply to become a participant to his or her Service Department on forms prescribed by the Service Department and/or the Secretary of Defense.

(b) Rules and regulations of each Service Department and/or the Department of Defense shall apply to determine if the application constitutes a timely claim for participation.

(c) The provisions of the following sections shall apply to claims for educational assistance allowances or loans pursuant to chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36:

(1) Section 21.1030—Claims.

(2) Section 21.1031—Informal claims.

(3) Section 21.1032—Time limits. (38 U.S.C. 1641, 1671)

Eligibility

§ 21.5040 Basic eligibility.

Basic eligibility for educational assistance under chapter 32, title 38, United States Code, is subject to the following requirements:

(a) *Service.* The veteran must have initially entered into military service on or after January 1, 1977. He or she must serve on active duty for a period of 181 or more continuous days commencing on or after January 1, 1977, or, if the individual serves less than 181 continuous days after that date, he or she must have been discharged or released from active duty after January 1, 1977 for a service-connected disability. (38 U.S.C. 1602)

(b) *Periods excluded.* In computing the 181 or more continuous days of service, there will be excluded any period excluded by § 21.5021(b) from the definition of what constitutes "active duty". (38 U.S.C. 1602)

(c) *Discharge or release.* The veteran must have received an unconditional discharge or release from the initial period of military service required by paragraph (a) of this section, under conditions other than dishonorable and from any other period of service upon which eligibility is predicated, unless the individual is on active duty and qualifies under paragraph (d) of this section. A discharge or release will be considered to be unconditional if the individual was eligible for complete separation from active duty on the date the discharge was issued. The provisions of § 3.12 of this chapter as to character of discharge and § 3.13 of this chapter as to conditional discharges are applicable. (38 U.S.C. 1602)

(d) *Persons on active duty.* Educational assistance may be afforded a participating individual under chapter 32 even though the individual is on active duty: *Provided:*

(1) The individual initially entered into military service on or after January 1, 1977, served on active duty for a period of 181 or more continuous days after that date, and has completed the

lesser of the following two periods of active duty:

(i) The individual's first obligated period of active duty which began after December 31, 1976, or

(ii) The individual's period of active duty which first began after December 31, 1976, and which is 6 years in length, or

(2) The individual initially entered into military service on or after January 1, 1977, and served on active duty for a period of 181 or more continuous days after that date and the individual is training under the Predischarge Education Program in the last 6 months of the individual's first period of active duty which began after December 31, 1976. (38 U.S.C. 1631(b)). See § 21.5233.

§ 21.5041 Periods of entitlement.

(a) No educational assistance benefits shall be afforded an eligible veteran or serviceperson under chapter 32 beyond the date of 10 years after his or her last discharge or release from active duty. (38 U.S.C. 1632)

(b) The veteran may use his or her entitlement at anytime during the 10-year period determined under paragraph (a) of this section and is not required to use it in consecutive months. (38 U.S.C. 1632)

PARTICIPATION

§ 21.5050 Requirements for participation.

(a) *General.* An individual, who is otherwise eligible to become a participant, must apply to the Service Department under which he or she serves upon forms prescribed by the Service Department and/or Secretary of Defense. No application to participate may be made prior to entry upon active duty and each application must be submitted in time to permit the Service Department to make the required deduction from the individual's military pay for at least 1 month prior to the discharge or release of the applicant from active duty. (38 U.S.C. 1621)

(b) *Minimum period of participation.* Each individual who agrees to participate must do so for a minimum period of 12 consecutive months and the Service Department will withhold at least the minimum contribution of $50 per month from the pay of the individual for such period, unless the participant is permitted to suspend for hardship reasons, is allowed to disenroll for hardship reasons, is discharged or released from active duty, or otherwise ceases to be legally eligible to participate. During the 12-month period the participant may increase or decrease the amount of the contribution as provided in paragraph (e) of this section but may not terminate all participation unless he or she qualified under one of the above exceptions. The inservice student must have completed 3 months of contributions to the fund before becoming entitled to receive benefits for any type of training except the Predischarge Education Program, and he or she must be serving on active duty in an enlistment or period subsequent to the periods of initial active duty defined in § 21.5040(d)(1) (i) or (ii), except in the Predischarge Education Program. To qualify for payment for the Predischarge Education Program training the individual must meet the requirements of paragraph (c) of this section and must have made a contribution to the fund for at least 1 month. (38 U.S.C. 1621, 1631)

(c) *Predischarge Education Program.* Participants, who otherwise qualify, may receive up to 6 months of benefits for Predischarge Education Program training, without a charge to chapter 32 entitlement, at the rate of $311 per month for full-time training, or the cost of the course, whichever is the lesser, provided:

(1) The individual has contributed to the fund for at least 1 month, and

(2) The training is received while the individual is serving the last 6 months of his or her first enlistment after December 31, 1976. Similar training may be taken in subsequent enlistments, but it will not be considered to be Predischarge Education Program training and the benefits will be paid on the same basis as any other type of chapter 32 training, with a charge to entitlement. (38 U.S.C. 1631, 1696)

(d) *Dates of participation.* A person may participate on or after January 1, 1977, but may not enroll to participate after December 31, 1981, unless the program is extended as provided in section 408, Pub. L. 94-502 (90 Stat. 2398) and may not, having participated, receive benefits prior to July 1, 1977 unless discharged after January 1, 1977 for a service-connected condition.

(e) *Amount of participation.* The individual applying to participate must specify the amount of his or her participation by a contribution to the fund of at least $50 per month but not more than $75 per month. The participant may at any time during the period of participation increase or decrease the amount of his or her monthly contribution to the fund and may do so more than one time, but no more frequently than once per month. The amount of the participant's authorized contribution must always be divisible by five. (38 U.S.C. 1622)

(f) *Maximum contribution.* A person whose contribution is at the rate of $75 per month may contribute for a maximum of 36 months; a person contributing $50 per month may contribute for a maximum of 54 months; persons contributing amounts between these amounts may only contribute for the number of months required to reach $2700 of total contributions, i.e., more than 36 and less than 54 months. (38 U.S.C. 1622)

(g) *Resumption of participation.* A participant, who remains otherwise eligible, may resume active contribution to the fund, if he or she has voluntarily elected to suspend following completion of minimum participation as defined in paragraph (b) of this section or has suspended at any time for reason of hardship. A person who has disenrolled may reenroll, but will have to qualify for minimum participation as described in paragraph (b) of this section. If a person does reenroll he or she may not "repurchase" entitlement by tendering previously refunded contributions which he or she received upon disenrollment. (38 U.S.C. 1621)

(h) *Participation after discharge.* A person may not continue to make contributions to the fund after date of discharge. (38 U.S.C. 1622)

§ 21.5051 Disenrollment.

(a) *Disenrollment.* A participant may elect to disenroll at any time within the initial 12 months of participation for reasons of personal hardship and at any time after the initial 12 months of participation without such a reason. The Veterans Administration and/or Department of Defense may under circumstances described in paragraph (b) (3) and (4) of this section disenroll the participant without his or her consent. If a participant disenrolls or is disenrolled, he or she will be granted a refund of all contributions made by the individual to the fund and will be ineligible to receive benefits under §§ 21.5130 and 21.5131 unless the individual reenrolls as a participant and agrees to participate for a new period of 12 consecutive months as provided in § 21.5050(g). The amount of the contributions refunded upon disenrollment shall be limited to the amount of his or her contributions not utilized to receive benefits as of the date of disenrollment. (38 U.S.C. 1621; 1623)

(b) *Date of disenrollment and date of refund.* An individual who is a participant will be disenrolled effective the date the Veterans Administration or the Service Department determines he or she has ceased to be legally entitled to participate or the date the request of the participant for voluntary disenrollment is received by the Service Department, whichever is the earlier. The date upon which the refund of contributions, if any, will be made shall be determined as follows:

(1) If a participant voluntarily disenrolls from the program prior to discharge or release from active duty, such participant's contributions remaining in the fund will be refunded

on the date of the participant's discharge or release from active duty or within 60 days of receipt of notice by the Veterans Administration of the participant's discharge or disenrollment, except that refunds may be made earlier in instances of hardship or for other good reasons.

(2) If a participant voluntarily disenrolls from the program after discharge or release from active duty, under other than dishonorable conditions, the participant's contributions remaining in the fund shall be refunded within 60 days of receipt by the Veterans Administration of an application for a refund from the participant.

(3) A participant who is discharged or released from active duty under dishonorable conditions will be automatically disenrolled and will be refunded any contributions remaining in the fund on the date of the participant's discharge or release from active duty or within 60 days of receipt of notice by the Veterans Administration of the participant's discharge or release, whichever is the later.

(4) A participant who has not utilized all of his or her entitlement to benefits within the 10-year delimiting period stated in § 21.5041 will be automatically disenrolled and participant's contributions remaining in the fund shall be refunded.

(i) The Veterans Administration shall notify the participant that the delimiting period has expired and shall state the amount of unused contributions for which a refund will be made.

(ii) No refund will be made under this subparagraph unless the participant shall request it.

(iii) If no request is received by the Veterans Administration within 1 year from the date that the participant was notified of his or her entitlement to a refund, it will be presumed that the participant's whereabouts is unknown and the funds on deposit for that participant will be transferred in accordance with the provisions of section 725s, title 31, United States Code. (38 U.S.C. 1623, 1632)

§ 21.5052 Suspension of participation.

A participant may suspend participation in the program without disenrolling. If the person suspends participation he or she may resume participation at any time thereafter while on active duty.

(a) A participant may suspend participation anytime after 12 months of participation, at his or her election, but

(b) An individual who has participated for less than 12 consecutive months may not suspend unless the Secretary of Defense determines that the reason for the suspension is due to a personal hardship. (38 U.S.C. 1621)

§ 21.5053 Death of participant.

If a participant dies, the amount of his or her unused contributions to the fund shall be paid:

(a) To the beneficiary or beneficiaries designated by the participant under the participant's Servicemen's Group Life Insurance policy, or

(b) To the participant's estate if no beneficiary has been designated under the participant's Servicemen's Group Life Insurance policy or if the participant has no such policy. (38 U.S.C. 1624)

ENTITLEMENT

§ 21.5060 Entitlement.

A participant shall be entitled to a maximum monthly benefit equal to the months of participation, not to exceed 36, or the equivalent in part-time training, for periods of time during which the individual is enrolled in, and satisfactorily pursuing, an approved program of education as elsewhere provided in this Subpart G. The amount of the benefit payment will vary from individual to individual and, in some instances, from month to month in accordance with the provisions for payment set forth in § 21.5131. The number of months of entitlement charged for each benefit payment for an applicable benefit period shall be determined as follows:

(a) *Residence training.* One month of entitlement will be charged for each sum of money paid equivalent to what the veteran would have been paid had he or she been a full-time student for 1 month. When the computation results in a period of time other than a full month, the entitlement charge will be prorated. (38 U.S.C. 1631)

(b) *Predischarge Education Program.* No entitlement charge will be made. (38 U.S.C. 1641, 1696)

(c) *Flight and correspondence training courses.* A charge against the period of entitlement for a program consisting exclusively of flight training or correspondence training will be made on the basis of 1 month for each sum of money paid equivalent to the dollar value of a month of entitlement as determined under § 21.5131(b)(4), which is paid to the veteran or serviceperson as an educational assistance allowance for such course.

(1) When the computation results in a period of time other than a full month the charge will be prorated.

(2) If the individual is contributing to the fund at the same time that benefits are being used or contributes additional sums subsequently, the entitlement charges will not be recomputed. Thus if the monthly rate arrived at by applying the formula is determined to be $150 at the time that a benefit payment for flight or correspondence training is computed the individual will be charged 1 month of entitlement for each $150 paid. If a different monthly rate is computed at the time of a subsequent payment for such training, no adjustment will be made in the entitlement charged for the previous payment(s) even though the value of each month's entitlement may vary from payment to payment. (38 U.S.C. 1631(c))

§ 21.5061 Excessive absences.

Where absence deductions are made throughout an enrollment period the combined portions of a month for which absence deductions were made will be computed and no entitlement charge will be made for the combined deductions. (38 U.S.C. 1641, 1780)

§ 21.5062 Active duty.

A charge against the period of entitlement for a program of education pursued by a serviceperson on active duty will be made on the basis described in § 21.5060. (38 U.S.C. 1631)

§ 21.5063 Overpayment cases.

Entitlement will be charged for an overpayment in educational assistance allowance only if the overpayment is discharged in bankruptcy or waived and is not recovered. The charge will be at the appropriate rate for the elapsed period covered by the overpayment. (38 U.S.C. 1631)

§ 21.5064 Interruption to conserve entitlement.

A certified period of enrollment may not be interrupted for the purpose of conserving entitlement. Nor may a period of enrollment be certified for a fractional part of the normal term, quarter or semester if the eligible veteran is actually enrolled for the term, quarter or semester. Entitlement will be charged for the entire period of enrollment certified, if otherwise eligible for benefits, except when benefits are interrupted under any of the following conditions:

(a) Enrollment is actually terminated;

(b) Enrollment is canceled and no educational benefits check has been negotiated for any part of the certified period of enrollment;

(c) Enrollment is interrupted at the scheduled end of any term, quarter, semester or school year within the certified period of enrollment and no check for educational benefits has been negotiated for the succeeding term, quarter, semester or school year;

(d) Interruption or cancellation is requested for any break when a school was closed during a certified period of enrollment and payments were continued under an established policy based upon an Executive order of the President or due to an emergency situation whether or not a check for education-

al benefits for the certified period has been negotiated. (38 U.S.C. 1641, 1780)

COUNSELING

§ 21.5100 Counseling.

(a) The purpose of counseling is to assist in selecting an objective, in developing a suitable program of education or training and in resolving any personal problems which are likely to interfere with successful pursuit of a program.

(b) Except as specified by § 21.5102, counseling will be required before a second or subsequent change of program is approved, or before a change of program or reentrance is approved where an earlier course was discontinued because of unsatisfactory conduct or progress. (See § 21.4277) (38 U.S.C. 1641, 1791)

(c) Counseling may not be given for an initial course selected by a veteran or servicemember or for a first change from such course when conduct and progress are satisfactory.

§ 21.5101 Failure to cooperate.

When counseling is required and a veteran fails to report or fails to cooperate in the counseling process, further action on the application will not be taken.

§ 21.5102 Counseling; change or reentrance.

(a) *Required counseling.* When required, counseling, or additional counseling, will be required under the following circumstances.

(1) For any change of program if the program was interrupted or discontinued due to the veteran's or serviceperson's own misconduct, neglect, or lack of application; or

(2) For reentrance into training (same or different program) following discontinuance because of unsatisfactory conduct or progress under § 21.4277; or

(3) For a second or subsequent change unless a counseling psychologist finds on the basis of evidence submitted by the veteran or serviceperson and/or the evidence of record that the change requested is to a program suitable to the veteran's or serviceperson's aptitudes, interests, and abilities. (38 U.S.C. 1641, 1791)

(b) *Approval.* The counselor will recommend approval of a change of program or reentrance into the same program, if he or she finds that the program which the veteran or eligible serviceperson proposes to pursue is suitable to his or her aptitudes, interests, and abilities; and where the veteran's or serviceperson's program has been interrupted, or he or she has failed to progress in his or her program, due to his or her own misconduct, neglect or lack of application, or other reason the cause for the unsatisfactory progress or conduct has been removed and there exists a reasonable likelihood that there will not be a recurrence of such an interruption or failure to progress. Subject to these approval criteria, approval for changes of program subsequent to the second change may be recommended. (38 U.S.C. 1641, 1791)

§ 21.5103 Travel expenses.

(a) The Veterans' Administration shall determine and pay the necessary cost of travel to and from the place of counseling for veterans who are required to receive counseling in accordance with §§ 21.5100 and 21.5102: *Provided,* That:

(1) The Veterans' Administration determines that the veteran is unable to defray the cost based upon his or her annual declaration and certification, or

(2) The veteran has a service-connected disability.

(b) A disabled veteran who otherwise qualifies under paragraph (a) of this section shall be furnished the services of an attendant while traveling for counseling when an attendant is required because of the severity of the veteran's disability. (38 U.S.C. 111)

CROSS-REFERENCE: Authorization for travel of attendants. See § 21.274.

PAYMENTS; EDUCATIONAL ASSISTANCE ALLOWANCE

§ 21.5130 Payments; educational assistance allowance.

The provisions of the following sections are to be applied in the administration of benefits payable under chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36.

(a) Section 21.4130 (except that portion relating to apprenticeship and on-the-job training)—Educational assistance allowance.

(b) Section 21.4131 (except paragraphs (c)(3) and (e) of this section)—Commencing dates.

(c) Section 21.4132—Waiver of time limits.

(d) Section 21.4134—Withholding and discontinuance.

(e) Section 21.4135 (except paragraphs (b), (c), (d), (o), and (v) of this section)—Discontinuance dates.

(f) Section 21.4138—Certifications and release of payments.

(g) Section 21.4139 (except paragraph (b) of this section)—Payee.

(h) Section 21.4146—Assignments of benefits prohibited. (38 U.S.C. 1641)

§ 21.5131 Amount of benefit.

The amount of each participant's monthly benefit shall be computed as provided in paragraphs (a) through (d) of this section.

(a) *Residence training (monthly payment).* (1) Take the number of full months in the applicable benefit period. Add to it a figure obtained by dividing the number of days in excess of the number of full months by 30. Multiply by 1 if the veteran is a full-time student, by .75 if the veteran is a three-quarter time student, by .5 if the veteran is a half-time student and .25 if the veteran is a quarter-time student.

(2) Determine the amount of the veteran's contributions to the fund which still remains in the fund at the time of computation. Multiply this amount by the figure obtained in paragraph (a)(1) of this section. Divide the result by the number of months of the veteran's remaining entitlement. This is the veteran's portion of his or her benefit payment.

(3) Multiply the fugure obtained in paragraph (a)(2) of this section by 2. This is the Veterans Administration's portion of the veteran's benefit payment.

(4) Determine the amount of contributions, if any, made to the fund by the Secretary of Defense, on behalf of the participant, which still remains in the fund at the time of the computation. Multiply this amount by the fugure obtained in paragraph (a)(1) of this section. Divide the result by the number of months of the veteran's remaining entitlement. This is the Department of Defense's portion of the veteran's benefit payment.

(5) Add together the figures obtained in paragraph (a)(2), (3) and (4) of this section.

(6) Multiply the amount of the veteran's contributions to the fund which still remains in the fund at the time of the contribution by 2.

(7) Add together the amount of the veteran's contributions to the fund which still remains in the fund at the time of the computation; the contributions made by the Secretary of Defense to the fund on behalf of the participant which still remain in the fund at the time of the computation; and the figure obtained in paragraph (a)(6) of this section.

(8) The veteran's benefit payment is either the figure obtained in paragraph (a)(5) of this section or the figure obtained in paragraph (a)(7) of this section, whichever is less.

(9) This amount will be paid regardless of whether the training is pursued on a less than half-time basis or by in-service participants (i.e., prorated charges based on tuition and fees for chapter 34 do not apply to chapter 32 benefit payments). (38 U.S.C. 1631)

(b) *Flight training (monthly payment).* (1) Divide the amount of the veteran's contributions to the fund

which still remains in the fund at the time of the computation by the number of months of the veteran's remaining entitlement.

(2) Multiply the figure obtained in paragraph (b)(1) of this section by 2.

(3) Divide the amount of contributions made to the fund by the Secretary of Defense on behalf of the participant which still remains in the fund at the time of computation by the number of months of the veteran's remaining entitlement.

(4) Add together the figures obtained in paragraph (b)(1), (2), and (3) of this section. This is the veteran's full-time montly benefit rate.

(5) Divide the total flight charges for the training received during the month by the figure obtained in paragraph (b)(4) of this section.

(6) Multiply the amount of the veteran's contributions to the fund which still remains in the fund at the time of computation by the figure obtained in paragraph (b)(5) of this section. Divide the result by the number of months of the veteran's remaining entitlement. This is the veteran's portion of the benefit payment.

(7) Multiply the figure obtained in paragraph (b)(6) of this section by 2. This is the Veteran Administration's portion of the benefit payment.

(8) Multiply the amount of contributions made to the fund by the Secretary of Defense on behalf of the participant which still remains in the fund by the figure obtained in paragraph (b)(5) of this section. Divide the result by the number of remaining months of the veteran's entitlement. This is the Department of Defense's portion of the benefit payment.

(9) Add together the figures obtained in paragraph (b)(6), (7) and (8) of this section.

(10) Multiply the amount of the veteran's contributions to the fund which still remains in the fund at the time of the computation by 2.

(11) Add together the amount of the veteran's contributions to the fund, which still remains in the fund at the time of the computation; the contributions made by the Secretary of Defense to the fund on behalf of the participant which still remain in the fund at the time of the computation; and the figure obtained in paragraph (b)(10) of this section.

(12) The veteran's benefit payment is either the figure obtained in paragraph (b)(9) of this section or the figure obtained in paragraph (b)(11) of this section, whichever is less.

(13) The amount of the payment is based on 100 percent of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay. If the participant does not have sufficient funds available to cover the entire month's charges incurred, the excess charges shall remain unreimbursed, but if the participant is still participating or later participates again in the program by making a contribution to the fund, the additional entitlement thus acquired may be used to reimburse the participant for flight charges not previously reimbursed. The option is the participant's, and the election to apply new entitlement to old flight charges must be specifically made. Once this option is elected by the participant, it may be altered as to further new entitlement acquired, but may not be reversed as to payments made pursuant to the original election. (38 U.S.C. 1631)

(c) *Correspondence training (quarterly payment).* (1) The benefit payment for a participant who is pursuing a correspondence course shall be calculated in the same manner as that for a participant enrolled in a flight course except that in making the calculation the total charges for lessons completed during a quarter shall be used instead of flight charges for training received in a month.

(2) If the total charges for lessons completed during the quarter exceeds the benefit payment, the excess may be carried forward under the same conditions as provided for flight charges in paragraph (b)(13) of this section. (38 U.S.C. 1631)

(d) *PREP (lump-sum payment).* (1) The amount of payment shall be at the rate of $311 per month for full-time training, $233 for ¾ time training, $156 for ½ time training, and $78 for ¼ time or less training or the cost of the course, whichever is the lesser.

(2) Payment shall be made in a lump sum for the term, quarter or semester at the beginning of the month immediately following the month in which training begins. (38 U.S.C. 1641, 1696)

STATE APPROVING AGENCIES

§ 21.5150 State approving agencies

The provisions of the following sections are to be applied in the administration of benefits payable under chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36:

(a) Section 21.4150 (except paragraph (e) of this section)—Designation.

(b) Section 21.4151—Cooperation.

(c) Section 21.4152—Control by agencies of the United States.

(d) Section 21.4153—Reimbursement of expenses. (38 U.S.C. 1641, 1770, 1771, 1772, 1773, 1774)

SCHOOLS

§ 21.5200 Schools.

The provisions of the following sections are to be applied in the administration of benefits payable under the provisions of chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36:

(a) Section 21.4200 (except paragraph (c) of this section)—Definitions. (38 U.S.C. 1641)

(b) Section 21.4201—Restrictions on enrollment; percentage of students receiving financial support. (38 U.S.C. 1641, 1673(d))

(c) Section 21.4202—Overcharges; restrictions on enrollments. (38 U.S.C. 1641, 1790)

(d) Section 21.4203 (except paragraph (f)(3) of this section)—Reports by schools; requirements. (38 U.S.C. 1641, 1784)

(e) Section 21.4204 (except paragraph (e) of this section)—Periodic certifications. (38 U.S.C. 1641, 1784)

(f) Section 21.4205—Absences. (38 U.S.C. 1641, 1784)

(g) Section 21.4206—Reporting fee. (38 U.S.C. 1641, 1784)

(h) Section 21.4207—Failure of school to meet requirements. (38 U.S.C. 1641, 1790)

(i) Section 21.4208—Central Office Education and Training Review Panel. (38 U.S.C. 1641, 1790)

(j) Section 21.4209 (except so much of paragraph (c) of this section as relates to apprentice and other on-job training)—Examination or records.) (38 U.S.C. 1641, 1790)

PROGRAMS OF EDUCATION

§ 21.5230 Programs of education.

The provisions of the following section are to be applied in the administration of benefits payable under chapter 32, title 38, United States Code, in the same manner as in the administration of chapters 34 and 36: Section 21.4230 (except paragraphs (c)(2), (d) and (e) of this section)—Requirements. (38 U.S.C. 1641)

§ 21.5231 Combination.

The provisions of § 21.4233(b), (c), and (e) are to be applied in the administration of benefits payable under the provisions of chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36. (38 U.S.C. 1641)

§ 21.5232 Change of program.

The provisions of § 21.4234, except paragraphs (c) and (d) of that section are to be applied in the administration of benefits payable under the provisions of chapter 32, title 38, United States Code, in the same manner as

they are applied for the administration of chapters 34 and 36. (38 U.S.C. 1641)

§ 21.5233 Predischarge Education Program (PREP); Chapter 32.

(a) *Enrollment.* Enrollment of a servicemember may be approved in any elementary, secondary, preparatory, refresher, remedial, deficiency, or special educational assistance course not otherwise prohibited, regardless of the individual's previous educational experience. The individual must be on active duty, must be a participant in the chapter 32 program, and must meet the requirements for eligibility stated in § 21.5040. The course or courses (but not including correspondence courses) must be required to receive a secondary school diploma, or the course or courses (including individual unit subjects within a General Education Development (G.E.D.) examination program) must be required for, or preparatory to, the pursuit of an appropriate course or training program in an approved educational institution or training establishment. (38 U.S.C. 1631, 1641, 1696)

(b) *Measurement.* Courses will be measured as provided in § 21.4270 et seq. (38 U.S.C. 1631, 1641, 1696)

(c) *Payment and entitlement charge.* Payment will be on the basis of the cost of the course not to exceed $311 per month for full-time training and no charge will be made against the entitlement of the individual under chapter 32. (38 U.S.C. 1631, 1641, 1696)

(d) *Costs.* A serviceperson pursuing education or training under PREP is entitled to an allowance computed at the rate of the established charges for tuition and fees which the school requires other similarly circumstanced students enrolled in the same or a similar program to pay, and the cost of books and supplies peculiar to the course which the school requires other students in the same or a similar program to have. The Veterans Administration will establish the rates for tuition and fees when the school offers no same program for other students. The cost is to be established by the Veterans Administration on the basis of a report from the State approving agency showing the estimated cost for operation of the program and the anticipated enrollment.

(1) *Acceptable costs.* The reasonable costs for depreciation, rent or lease expenses, textbooks, taxes and insurance, administrative expenses, operation and maintenance expenses, consumable supplies, teaching and related personnel, travel and miscellaneous expenses may be included by the State approving agency, except as provided in paragraph (d)(2) of this section. Acceptable, for example, are the cost of travel expenses for supervisors who are required to travel, and the cost of social security and health insurance for teaching and related personnel.

(2) *Unacceptable costs.* The following costs are not considered to be acceptable for inclusion for approval:

(i) *Unreasonable costs for depreciation.* These include:

(*a*) Depreciation for equipment purchased from PREP tuition prior to establishing rates by cost determination.

(*b*) Depreciation which has been determined in a manner inconsistent with the Internal Revenue Service principles for computing depreciation.

(*c*) Depreciation for the exhaustion, wear, tear and obsolescence of property which exceeds the amount which should be set aside by the school in accordance with a reasonably consistent plan (not necessarily at a uniform rate), so that the aggregate of the amounts set aside, plus the salvage value, does not at the end of the estimated useful life of the depreciable property exceed the cost or other basis of the property.

(*d*) Depreciation which permits the school to recoup, within the first year, all or most of the costs of establishing the course, including necessary equipment and program costs when no same course is offered. Schools should be able to provide these needed courses to servicepersons by adhering to recognized business procedures relating to depreciation of facilities and equipment.

(ii) *Rent or lease expense.* Costs which exceed the reasonable cost of space used for instruction.

(iii) *Textbooks.* The cost of workbooks unless they are the only books used for the course. (In that event they may be classified as "textbooks.")

(iv) *Taxes and insurance.* Income taxes and personal life insurance costs.

(v) *Administrative expenses.* Administrative expenses at the home campus when the clerical functions are performed at the branch facility; i.e., at the actual location of the PREP, including honorariums, expenses due to a subcontractual arrangement not contemplated in the approval granted by a State approving agency, or by the Veterans Administration Central Office through the Director of the Education and Rehabilitation Service.

(vi) *Operation and maintenance.* Capital outlays for equipment and renovating buildings in the physical plant already determined to be adequate by the State approving agency.

(vii) *Consumable supplies.* Consumable supplies which are not described and supported.

(viii) *Teaching and related personnel.* (*a*) The cost of the formal training of instructors hired as fully qualified to teach, and effectively charging the students and ultimately the Veterans Administration for such instruction. These are not acceptable costs.

(*b*) The full salary payment for teachers meeting PREP classes for as few as 15 hours per week. Generally the full-time salary for a teacher may be included only for 25 to 30 hours of classes per week unless it is clearly substantiated by documentation that other schools in the same general area pay full salary for a teaching schedule on the same level for less hours. Salaries in excess of the prevailing rate in the same area for similarly qualified instructors will not be included.

(*c*) Costs of excess clerical personnel to assist teachers in records-keeping (without strong justification). No more than one clerk's salary will be included for an average of 100 students per day.

(*d*) Costs of personnel not essential to the teaching functions. Essential persons are those assisting with instructional material, laboratory, supply room, counseling, library, or supervision.

(ix) *Travel.* (*a*) Travel expense for instructors except those teaching courses for which itinerant instructors are required to commute from the principal campus at which they are regularly employed.

(*b*) A daily commuting expense paid to bring full-time instructors from their place of residence to their place of employment.

(*c*) An allowance for travel expense to bring instructors and administrative personnel to more than one in-service training session each semester or term.

(x) *Miscellaneous.* Costs of such items as meals for directors and consultants, bus transportation for field trips to home campuses, and the travel of instructors for meetings conducted at locations out of the State in which the PREP program is offered. (38 U.S.C. 1631, 1641, 1696(c))

(e) *Contingency fund.* A contingency fund for profit and nonprofit schools not to exceed 5 percent of the acceptable costs may be included if the surplus has been offset on the rate established. If the PREP program is terminated or if approval for a PREP course is withdrawn the amount of money remaining in the fund to which the school is not entitled shall be paid to the Veterans Administration. Within 6 months following the date of termination or withdrawal or approval of a PREP program the school shall verify that this has been done by auditing the financial records of the program. A copy of the audit shall be furnished to the Director of the Veterans Administration field station of jurisdiction. The records necessary to support the audit will be kept intact and in good condition at the school for at least 3 years following the day the audit is completed. Longer retention will not be required unless a written

request is received from the General Accounting Office or the Veterans Administration not later than 30 days prior to the end of the 3-year period. (38 U.S.C. 1631, 1641, 1696)

(f) *Referrals.* If the State approving agency and the school are unable to agree on the estimated cost of PREP where there is no same program, the State will report the full facts to the Veterans Administration regional office. If the regional office is unable to resolve the question, the matter will be referred to the Director, Education and Rehabilitation Service to determine the cost. (38 U.S.C. 1641, 1696)

(g) *Certified cost data.* If the matter is referred to the Veterans Administration to determine the cost, certified cost data will be utilized. (38 U.S.C. 1641, 1696)

(h) *Customary practices.* Analysis will be made to determine whether the customary teaching practices on campus and the customary organizational practices of the institution on campus do reflect reasonable and necessary expenses of conducting the program. (38 U.S.C. 1641, 1696)

(i) *Refund policy.* Rates established on the basis on cost data must be subject to a pro rata refund policy. A shift to other than a pro rata refund policy would be detrimental to the serviceperson and would lead to receipt from the Veterans Administration of an amount less than charged by the school in case of interruption. (38 U.S.C. 1641, 1696)

COURSES

§ 21.5250 Courses.

The provisions of the following sections are to be applied in the administration of benefits payable under chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36.

(a) Section 21.4250 (except paragraph (c) (1) and (6) of this section)—Approval of courses. (38 U.S.C. 1641, 1772)

(b) Section 21.4251—Period of operation of course. (38 U.S.C. 1641, 1789)

(c) Section 21.4252 (except paragraph (f) of this section)—Courses precluded. (38 U.S.C. 1641, 1673)

(d) Section 21.4253—Accredited courses. (38 U.S.C. 1641, 1775)

(e) Section 21.4254—Nonaccredited courses. (38 U.S.C. 1641, 1776)

(f) Section 21.4255—Refund policy; nonaccredited courses. (38 U.S.C. 1641, 1776)

(g) Section 21.4256—Correspondence courses. (38 U.S.C. 1641, 1786)

(h) Section 21.4258 (except paragraph (c) of this section)—Notice of approval. (38 U.S.C. 1641, 1778)

(i) Section 21.4259—Suspension or disapproval. (38 U.S.C. 1641, 1779)

(j) Section 21.4260—Courses in foreign countries. (38 U.S.C. 1641, 1676)

(k) Section 21.4263—Flight training; 38 U.S.C. chapter 34. (38 U.S.C. 1641, 1677)

(l) Section 21.4265 (except paragraph (g) of this section)—Practical training approved as institutional training. (38 U.S.C. 1641, 1772)

(m) Section 21.4266—Courses offered at subsidiary branches or extensions. (38 U.S.C. 1641, 1772, 1789(c))

ASSESSMENT AND PURSUIT OF COURSE

§ 21.5270 Assessment and pursuit of course.

The provisions of the following sections are to be applied in the administration of benefits payable under chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36.

(a) Section 21.4270 (except paragraphs (j), (k) and (l) and in the footnotes: the first sentence of [3] and numbers [5] and [9]—Measurement of courses. (38 U.S.C. 1641, 1788)

(b) Section 21.4271—Trade or technical; high schools. (38 U.S.C. 1641, 1788)

(c) Section 21.4272 (except paragraph (f)(2) of this section)—Collegiate undergraduate; credit-hour basis. (38 U.S.C. 1641, 1788)

(d) Section 21.4273—Collegiate graduate. (38 U.S.C. 1641, 1788)

(e) Section 21.4274—Law courses. (38 U.S.C. 1641, 1788)

(f) Section 21.4275—Practical training courses; measurement. (38 U.S.C. 1641, 1788)

(g) Section 21.4277—Discontinuance; unsatisfactory progress and conduct. (38 U.S.C. 1641, 1674)

(h) Section 21.4278—Reentrance after discontinuance. (38 U.S.C. 1641, 1674)

(i) Section 21.4279—Combination correspondence; resident program. (38 U.S.C. 1641, 1788)

(j) Section 21.4280—Independent study leading to a standard college degree. (38 U.S.C. 1641, 1673)

NONDISCRIMINATION IN VOCATIONAL REHABILITATION AND EDUCATIONAL PROGRAMS—TITLE VI, CIVIL RIGHTS ACT OF 1964

§ 21.5300 Civil Rights.

The provisions of the following sections are to be applied in the administration of benefits payable under chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36:

(a) Section 21.4300—Civil rights assurances; title VI, Pub. L. 88-352.

(b) Section 21.4301—Institutions of higher learning; elementary and secondary schools; medical institutions.

(c) Section 21.4302—Proprietary vocational schools and training establishments.

(d) Section 21.4303—State approving agencies.

(e) Section 21.4304—Assurance of compliance received—institutions of higher learning; elementary and secondary schools; medical facilities.

(f) Section 21.4305—Noncompliance; complaints; initial action.

(g) Section 21.4306—Payments after final agency action.

(h) Section 21.4307—Postermination compliance.

EDUCATION LOANS

§ 21.5500 Education loans.

The provisions of the following sections are to be applied in the administration of the benefits payable under chapter 32, title 38, United States Code, in the same manner as they are applied for the administration of chapters 34 and 36:

(a) Section 21.4500—Definitions. (38 U.S.C. 1631, 1798)

(b) Section 21.4501—Eligibility (the individual must, in lieu of the requirements for eligibility stated in paragraph (a)(5) of this section, be a participant in receipt of educational assistance benefits under chapter 32). (38 U.S.C. 1641, 1798)

(c) Section 21.4502—Applications. (38 U.S.C. 1631, 1798)

(d) Section 21.4503—Determination of loan amount (except that, notwithstanding paragraph (b)(2) of this section, the maximum to be loaned will be obtained by multiplying the number of months of chapter 32 entitlement remaining times the monthly rate determined in accordance with § 21.5131, or $2,500, whichever is the lesser). (38 U.S.C. 1631, 1798)

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[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1032-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Approval of Revisions to the Louisiana Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This action proposes approval of numerous administrative and procedural changes to the Louisiana State Implementation Plan (SIP). The changes involve a general update of sixteen sections of the State's rules and regulations, and serve to reflect

current applicability, operational procedures, and organizational structure.

DATE: Comments by February 5, 1979.

ADDRESSES: Copies of the State's submittal are available for review at the locations below:

Environmental Protection Agency, Region VI, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D. C. 20460.

COMMENTS TO: EPA, Region VI, Air Program Branch, 1201 Elm St., Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT:

Jack S. Divita, Environmental Protection Agency, Region VI, Air Program Branch, Dallas, Texas 75270, (214) 767-2745.

SUPPLEMENTARY INFORMATION: On December 9, 1977, the Governor of Louisiana, after adequate notice and public hearing, submitted administrative and procedural revisions to the Louisiana SIP. Although the revisions concern the State's rules and regulations, there is no regulation included in this rulemaking action which directly involves the limitation of pollutant emissions. The discussion below provides a more detailed explanation of the changes to the various sections of the State's rules and regulations.

REGULATION 2.0—SCOPE

In Section 2.1, the reference to "air quality standards and emission regulations" is changed to "regulations and air quality standards and emission limitations".

REGULATION 3.0—AUTHORITY

In Section 3.1, the name of the organization authorized to administer the State's regulations is changed to the Office of Health Services and Environmental Quality.

REGULATION 4.0—DEFINITIONS

In Section 4.7, the reference to "permit" is changed to "certificate of approval (permit)".

Add the definition of "Condensate" as Section 4.15, and renumber the remaining definitions accordingly.

In Section 4.17, the definition of "Department" is changed to "Air Quality Section, Bureau of Environmental Services, Office of Health Services and Environmental Quality, of the Department of Health and Human Resources".

For the current definition of "Impairment of Visibility" in Section 4.34, the Louisiana State Driver's Guide, Part IV, is referenced for vehicle speed and stopping distance. In the revised definition, the speeds and stopping distances are listed.

In Section 4.35, tepee burners, conical burners, and jug burners are excluded from the definition of "Incinerator".

The definition of "Modification" is revised to include a change in materials or feedstocks used, or products manufactured.

In Section 4.40, the reference to "standards" is changed to "regulations".

In Section 4.44, the definition of "Opacity" is changed to reflect the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

In Section 4.45, the definition of "Organic Solvents" is changed to include gaseous as well as liquid hydrocarbons.

In Section 4.46, the definition of "Outdoor Burning" is changed to be synonymous with "Open Burning".

The definitions of "particulate matter" and "suspended particulate matter" are provided in Sections 4.47 and 4.72 respectively. Aerosols are included in the definition of particulate matter and finely divided liquids are included in the definition of suspended particulate matter. These definitions suggest that entrained water would be subject to control. Since the reference method used to determine particulate in ambient air does not quantify liquid droplets, compliance with applicable emissions limits could be difficult to enforce. Therefore, Sections 4.47 and 4.72 are not considered approvable.

In Section 4.56, the definition of "Refuse" is expanded to include waste from industry.

In Section 4.74, the definition of "Undesirable levels" is expanded to include a statement that the Department may use reasonable information and relationships to determine if undesirable levels, as defined, are created.

In Section 4.76, the definition of "Variance" is changed to show that it is a waiver issued under the authority of the Commission rather than by the Commission, and it is further defined as a license to do some act contrary to the State's regulations.

In Section 4.77, the definition of "Volatile Organic Compounds" is changed so that the vapor pressure determination is made under actual flow as well as storage conditions.

REGULATION 5.0—MEETINGS OF THE COMMISSION

In the current meeting procedures of the Commission, as described in Section 5.5, complaints concerning undesirable levels of pollutants will not be heard until they are submitted to the Technical Secretary in writing and he has conducted an investigation. Regulation 5.0 is revised by deleting Section 5.5.

REGULATION 6.0—DEVELOPMENT OF FACTS

Section 6.1 requires an applicable facility to apply for a permit before beginning construction or modification or operation. In addition to applying to new installations and modification, the revised Section 6.1 applies to relocations of installations.

In the current Section 6.1.1, the Commission may exempt sources from the requirements of Regulation 6.0 if no significant contribution of air contaminants is made. In the revision, the Technical Secretary may make such exemptions and issue certificates of approval if no significant contributions are made. In addition, the Technical Secretary must report all exemptions and approvals to the Commission upon request, and at least annually.

A new Section 6.1.2 is added. In this Section, the Technical Secretary may approve permits for facilities complying with Sections 22.3 and 22.4 (storage of volatile organic compounds in large and small tanks respectively) provided the information required by Section 6.3 is subnmitted.

New Section 6.1.3 is a revised version of the current 6.1.2. In the revision, a new emission source may not prevent attainment or maintenance of national air quality standards of State standards, and a new source may not violate applicable portions of the control strategy. A statement has been added to the effect that approval to construct or modify does not relieve the owner or operator of a source of responsibility to comply with regulations of the applicable plan.

New Section 6.1.4 requires notification of the Louisiana Air Control Commission of changes in ownership.

Section 6.3 is revised to require a permit request to include all applicable information.

Section 6.3.3 is revised to include the requirement that fugitive emissions shall be determined from test results or best available technical data.

Section 6.3.5 is revised to include the requirement that the estimated effects on air quality should predict cumulative maximum worst case ground level concentrations, considering new and existing emission sources.

Section 6.3.6 is a new section which allows the Technical Secretary to require a more detailed air quality analysis, which will involve predicting maximum ambient concentrations from all sources in an area defined by the Secretary.

The current Section 6.3.6 is renumbered as Section 6.3.7.

Section 6.4 is revised to include a statement that emission data is not considered confidential or secret.

Section 6.5 is revised to exclude alterations of a facility or process which will not increase emissions as a requirement for notification to the Technical Secretary.

Section 6.6 is revised to allow sources covered by New Source Performance Standards to submit a copy of any Federal requirements in addition to the State's permit application.

Section 6.7 is a new section which allows the Technical Secretary to grant a variance to the provisions of Section 6.1 for preliminary site preparation work, provided that an acceptable permit application has been submitted. Examples of site preparation work include clearing, grubbing, road work, driving test piles, and installing temporary facilities.

If Section 6.7 specifically limited construction activities to those that are listed and prohibited a continuous construction program, it would be acceptable. However, in its present form, a variance under Section 6.7 could allow a source to "commence construction" within the definition provided in Section 165 of the Clean Air Act prior to receiving a State construction permit. Because a variance under Section 6.7 could conflict with preconstruction requirements for the prevention of significant deterioration (PSD), Section 6.7 is not considered approvable.

Section 6.8 is a new section which allows the Technical Secretary to issue a relocation approval to asphalt plants and other transportable facilities if they are operating under an approved permit prior to relocation.

In addition other conditions of approval must be met, such as meeting applicable zoning laws, operating required abatement devices, continued use of a fuel with the same sulfur content, and ambient standards will not be violated at the new location.

Section 6.9 is a new section which allows the Technical Secretary to grant temporary exemptions of not more than three months from the provisions of Section 6.1 to sources to conduct tests to determine the effect of a proposed modification of emission rates. Applicable sources must submit a report of the test results to the Technical Secretary within 30 days of test completion. Sources requesting an exemption must provide the information required by Section 6.3.

The thrust of Section 6.9 is contrary to the purpose of preconstruction review requirements. It should be assumed that the burden is on a source to show that there will not be an increase in emissions and, therefore, that a permit is not needed. Section 6.9 implicitly reverses such an assumption. Under the Administrator's Interpretative Ruling, emission offsets are to be attained prior to the emission of new pollutants. Section 6.9 conflicts with this procedure. Under PSD, State and EPA permits are to be issued prior to the commencement of construction. Section 6.9 conflicts with this procedure. For these reasons, Section 6.9 is not considered approvable.

Current Sections 6.7, 6.7.1, and 6.7.2 are renumbered as Section 6.10, 6.10.1, and 6.10.2 respectively.

Regulation 7.0—Investigations

Section 7.5 addresses the treatment of confidential or secret information. A statement is added that emission data is not considered secret.

Regulation 8.0—Air Contaminants

Section 8.2 is revised by deleting the condition that the emission of undersirable levels of pollutants be shown to be willful, negligent, a failure to provide necessary facilities, or a failure to take necessary precautions.

In Section 8.4, the references to "Table 1" are changed to "Tables 1 and 1a."

Section 8.5.1 is a new section which requires sources to maintain records and report emission data or other necessary information semiannually to the Department.

Section 8.8 is a new section which prohibits the circumvention of the State's regulations.

Section 8.9 is a new section which states that air pollution control facilities should be installed whenever feasible. There is a requirement that if control facilities are installed, they shall be maintained in proper working order, even though air quality standards may not be violated.

Regulation 9.0—Control of Air Pollution From Particulate Matter (Suspended Particulate Matter)

Section 9.1 is revised by adding "Particulate Matter" in parentheses at the end of title of the section.

Section 9.1.2 is revised by adding the words "Which emit" between "sources" and "particulate matter", and deleting "of".

Section 9.1.3 is revised by making the section applicable to suspended particulate matter and particulate matter. In addition, the reference to "Table 1" is changed to "Tables 1 and 1a."

The current Section 9.2 is deleted. Current Sections 9.3, 9.3.1, and 9.3.2 are renumbered as Section 9.2, 9.2.1, 9.2.2 respectively.

Current Sections 9.4, 9.4.1, and 9.4.2 are renumbered as Sections 9.3, 9.3.1, and 9.3.2 respectively.

Current Sections 9.5, 9.5.1, and 9.5.2 are renumbered as Sections 9.4, 9.4.1, and 9.4.2 respectively. In addition, the reference to "Table II" is changed to "Table 2" in new Section 9.4.1.

Regulation 10.0—Control of Air Pollution From Dustfall

Regulation 10.0 is deleted.

Regulation 11.0—Control of Air Pollution From Outdoor Burning (Open Burning)

Section 11.2 is revised by changing the wording on the prohibition of outdoor burning.

In Section 11.3.8 paragraph (b) is revised by also expressing 1000 feet as 305 meters.

Current sections 11.3.9 and 11.3.10 are combined as new Section 11.3.9.

Current Section 11.3.11 is renumbered as Section 11.3.10. In addition, the general language of the section is changed, but the applicability and intent is unchanged.

Current Section 11.3.12 is renumbered as Section 11.3.11. In addition, the new Section 11.3.11 requires that exemptions for special situations be made by the Technical Secretary.

In the current Section 11.4 traffic hazards caused by smoke, suspended particulate matter, or uncombined water are prohibited. In the revised Section 11.4, the prohibition is expanded to include any air contaminants or combinations thereof.

Section 11.5 is revised by adding "of this section" at the end of the section.

Regulation 12.0—Control of Pollution From Sulfur Dioxide

Section 12.1 is revised by making Regulation 12.0 applicable to both ambient air standards and regulations rather than air standards only.

Section 12.2 is revised by inserting "emissions" between "sulfur dioxide" and "into the ambient air".

Section 12.3 and 12.4.1 are revised by adding a statement that compliance with air quality standards does not authorize emissions in excess of applicable limitations.

Regulation 13.0—Control of Air Pollution From Carbon Monoxide

Section 13.1 is revised by inserting "ambient" between "established" and "air quality standards".

Section 13.2 is revised by inserting "emissions" between "carbon monoxide" and "into the ambient air".

Section 13.3 and 13.4.1 are revised by changing the reference to "Table 1" to "Table 1 and 1a".

Section 13.4.2 is revised by adding a statement that compliance with air quality standards does not authorize emissions in excess of applicable limitations.

REGULATION 15.0—CONTROL OF AIR POLLUTION FROM ATMOSPHERIC OXIDANTS

Section 15.1 is revised by inserting "ambient" between "established" and "air quality standards".

Sections 15.3 and 15.4.1 are revised by changing the reference to "Table 1" to "Tables 1 and 1a". In addition, the reference to "photochemical oxidants" in Section 15.4.1 is changed to "total oxidants".

Section 15.4.2 is revised by adding a statement that compliance with air quality standards does not authorize emissions in excess of applicable limitations.

Section 15.5.1 is revised by changing the reference to "atmospheric oxidants" to "total oxidants".

REGULATION 16.0—CONTROL OF AIR POLLUTION FROM NITROGEN OXIDES

Section 16.1 is revised by inserting "ambient" between "establish" and "air quality standards".

Section 16.3 and 16.4.1 are revised by changing the reference to "Table 1" to "Table 1 and 1a".

Section 16.4.2 is revised by adding a statement that compliance with air quality standards does not authorize emissions in excess of applicable limitations.

REGULATION 17.0—SOURCE EMISSIONS

Section 17.1 is revised by expanding the scope of the standards to protect health and welfare "from any known or anticipated adverse effects of air contaminants".

Section 17.2 is revised by inserting "all sources emitting to" between "pertain to" and "the atmosphere".

In the current Section 17.5, instruments and sensing devices are excluded from the requirements of a new source for providing sampling equipment and facilities. In the revised Section 17.5, this exclusion is removed.

New section 17.6 addresses the requirement for continuous emission monitoring. Rather than submit a separately developed regulation, the State selected to incorporate Federal requirements by reference. In Section 17.6.1, the source categories to which the requirements apply are those listed in Appendix P, 40 CFR Part 51. This procedure allows the State to automatically include any new source categories added to the list by EPA. In Section 17.6.1.1, sources subject to the New Source Performance Standards are exempted. In Section 17.6.2, sources are required to meet the minimum requirements as set forth in Appendix P, paragraphs 2 through 5. In Section 17.6.3, the Louisiana Air Control Commission is allowed to approve alternative methods if the original requirements cannot be implemented because of physical plant limitations, extreme economic burden, inaccurate monitoring would result, or if a facility is infrequently operated.

Current Section 17.6 is renumbered as Section 17.7.

Current Section 17.6.1 is renumbered as Section 17.7.1. In addition, the Technical Secretary is now allowed to approve a variance rather than the Department.

Current Sections 17.6.2 and 17.7 are renumbered as Sections 17.7.2 and 17.8 respectively.

A New Section 17.9 is added. This section states that air pollution control facilities should be installed where feasible. If such facilities are installed, they must be used and maintained in proper working order.

A New Section 17.10 is added. this section prohibits sources of air contaminants from emitting pollutants which will result in undesirable levels as defined in Section 4.74.

A New Section 17.11 is added. This section requires that the Department be notified in writing within seven calendar days of emergency occurrences or upsets which cause substantially increased emission. Notification does not imply that the Technical Secretary will automatically grant an exemption to the source of excessive emissions.

PREVIOUS SIP DISAPPROVALS

On September 26, 1974, the Louisiana SIP was disapproved because Sections 6.4 and 7.5 of the Regulations could, in some circumstances, prohibit the disclosure of emission data to the public. On November 28, 1975, EPA promulgated a regulation to correct this deficiency. In this submittal, Sections 6.4 and 7.5 are revised to exclude emission data from being treated as confidential or secret. This revision corrects the deficiency, and Sections 6.4 and 7.5 are now considered approvable.

PUBLIC COMMENTS

Interested persons may participate in this proposed rulemaking by submitting written comments to the Environmental Protection Agency, Region VI, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270. All Comments received on or before February 5, 1979 will be considered.

CURRENT ACTION

This rulemaking proposes approval of all revised and new regulations discussed above except Sections 6.7 and 6.9, which are being proposed for disapproval. Action on the approvable regulations supersedes action on previous SIP revisions submitted on December 18, 1972, concerning Regulations 8.0, 9.0, 12.0 through 17.0, Table 1A, and Table 4; January 2, 1973, concerning Section 6.1.2 of Regulation 6.0; August 24, 1973, concerning Regulations 4.0, 6.0, 8.0, 17.0, 22.0 A22.0, and Table 1A; and June 21, 1974, concerning Regulations 4.0 and 6.0.

This notice of proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: December 11, 1978.

EARL N. KARI,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations as follows:

Subpart T—Louisiana

1. In § 52.970 paragraph (c) is amended by adding a new paragraph (8) as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(8) Minor changes and administrative revisions to regulations 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0, 10.0, 11.0, 12.0, 13.0, 14.0, 15.0, 16.0, and 17.0 of the Louisiana SIP were submitted by the Governor on December 9, 1977.

2. Subpart T is amended by revising § 52.976 to read as follows:

§ 52.976 Review of new sources and modifications.

(a) Section 6.7 of Regulation 6.0 is disapproved since it could conflict with the preconstruction requirements for the prevention of significant deterioration (PSD) of air quality.

(b) Section 6.9 of Regulation 6.0 is disapproved since it could conflict with the preconstruction requirements for the prevention of significant deterioration (PSD) of air quality and the Administrator's Interpretative Rule of December 21, 1976.

§ 52.982 [Reserved]

3. Section 52.982 is revoked and reserved.

4. Subpart T is amended by adding § 52.988 to read as follows:

§ 52.988 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since the definitions of "particulate matter" and "suspended particulate matter," as provided in Sections 4.47 and 4.72 respectively, could in some circumstances make applicable emission limitations of the Louisiana Air Control Commission unenforceable. Therefore, Sections 4.47 and 4.72 are disapproved.

(b) The following definition of particulate matter applies to Regulations 9.0 and 27.0: "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by the high volume method prescribed in Appen-

dix B of Part 50, Title 40 of the Code of Federal Regulations.

(c) The following definition of particulate matter applies to Regulations 19.0, 20.0. 21.0, 23.0, and 28.0: "particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by Method 5, or an equivalent or alternative method, of Appendix A, Part 60, Title 40 of the Code of Federal Regulations.

[FR Doc. 79-304 Filed 1-3-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1034-3]

DELAYED COMPLIANCE ORDERS

Proposed Approval of an Administrative Order Issued by the Louisiana Air Control Commission to Tenneco Oil Company

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Louisiana Air Control Commission to Tenneco Oil Company. The order requires the company to bring air emissions from its Chalmette Refinery in Chalmette, Louisiana, into compliance with certain regulations contained in the federally-approved Louisiana State Implementation Plan (SIP) by June 30, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before February 5, 1979.

ADDRESS: Comments should be submitted to Howard Bergman, Director, Enforcement Division, EPA, Region 6, First International Building, 1201 Elm Street, Dallas, Texas 75720. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. James Veach, Legal Branch, Enforcement Division, U.S. Environmental Protection Agency, Region 6, First International Building, 1201 Elm Street, Dallas, Texas 75270, (214)-767-2760.

SUPPLEMENTARY INFORMATION: Tenneco Oil Company operates a refinery at Chalmette, Louisiana. The order under consideration addresses emissions from the refinery, which are subject to Section 24 of the Louisiana Air Control Commission Regulations. The regulation limits the emissions of sulfur dioxide, and is part of the federally approved Louisiana State Implementation Plan. The order requires final compliance with the regulation by June 30, 1979, through installation of appropriate equipment and control apparatus. Tenneco Oil Company has consented to the terms of the order and has already completed certain increments of progress. Because this order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection. The necessary elements of subsection 113(d) have been met: the order contains a schedule and timetable for compliance; the order provides for final compliance with the Louisiana Implementation Plan as expeditiously as practical and prior to July 1, 1979; the order requires compliance with the best practicable system of interim emission reduction; the order finds that no interim emission monitoring is reasonable or practicable; the order notifies the source that it will be required to pay a noncompliance penalty in the event it fails to achieve final compliance by July 1, 1979; and the order will be issued only after notice to the public and opportunity for public hearing.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Louisiana SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order.

After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

Dated: December 18, 1978.

ED GRISHAM,
Acting Regional Administrator
Region 6.

[FR Doc. 79-306 Filed 1-3-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1032-3; Docket No. VII-78-DCO-20]

DELAYED COMPLIANCE ORDERS

Proposed Approval of an Administrative Order Issued By Iowa Department of Environmental Quality to Norris Construction Co., Ottumwa, Iowa

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposed to approve an administrative order issued by the Iowa Department of Environmental Quality to Norris Construction Company. The order requires the company to bring air emissions from its asphalt plant in Ottumwa, Iowa into compliance with certain regulations contained in the federally-approved Iowa State Implementation Plan (SIP) by April 30, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before February 5, 1979.

ADDRESS: Comments should be submitted to Director, Enforcement Division, EPA, Region VII, 1735 Baltimore, Kansas City, Missouri 64108. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Henry F. Rompage, Environmental Protection Agency, Region VII, Enforcement Division, 1735 Baltimore, Kansas City, Missouri 64108, telephone 816-374-2576.

SUPPLEMENTARY INFORMATION: Norris Construction Company operates an asphalt plant at Ottumwa, Iowa. The order under consideration addresses emissions from the asphalt plant at the facility, which are subject to subrule 400—4.4(2) Iowa Administrative Code, Asphalt batching plants. The regulation limits the emissions of particulates, and is part of the federally approved Iowa State Implementation Plan. The order requires final compliance with the regulation by April 30, 1979. The source has consented to the terms of the order.

Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Iowa SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: December 20, 1978.

KATHLEEN Q. CAMIN,
Regional Administrator, Region VII.

BEFORE THE IOWA DEPARTMENT OF ENVIRONMENTAL QUALITY; AIR QUALITY COMMISSION, DES MOINES, IOWA

ORDER

[Docket No. 78-A-015]

In the matter of: Norris Construction Co., Plant No. 51, Ottumwa, Iowa.

Whereas employees of the Department of Environmental Quality conducted an inspection of the Norris Construction Co. on August 4, 1978, and determined that the emissions from the Asphalt Plant No. 51 exceeded the emission standard(s) of subrule 400—4.4(2) I.A.C.

Whereas the said subrule is a part of the federally-approved implementation plan applicable to Air Quality Control Region 091 in which the Asphalt Plant No. 51 in Ottumwa, Iowa, is located;

Whereas Norris Construction Co. has acknowledged that it is in violation of subrule 400—4.4(2) I.A.C. and has agreed to waive its rights to a contested case hearing under the Iowa Administrative Procedure Act and to waive its rights under section 455B.17 of the Iowa Code;

Whereas Norris Construction Co. is hereby given notice that in the event it fails to meet any requirement of this order, it will be subject to civil penalties for such noncompliance, and that if it fails to achieve final compliance as specified in Subparagraph A-5 by July 1, 1979, it shall be required to pay a noncompliance penalty under Section 120 of the Clean Air Act as amended (42 U.S.C. 7420) or under Iowa Law subsequently enacted to obtain delegation under that section;

Whereas after full consideration of relevant facts, including the seriousness of the violation and any good faith efforts to comply the source cannot immediately comply and compliance with the order below is reasonable and expeditious;

Therefore, it is ordered, By the Air Quality Commission:

A. That Norris Construction Co. complete the following acts with respect to the Asphalt Plant No. 51 on or before the dates specified.

1. January 1, 1979—Submit final control plan.

2. February 1, 1979—Award bids and execute contracts for emission control equipment.

3. March 1, 1979—Initiate on-site construction or installation of emission control equipment.

4. April 30, 1979—Complete on-site construction or installation of emission control equipment.

5. April 30, 1979—Complete shakedown operations and performance tests on system and achieve final compliance with subrule 400—4.4(2) I.A.C.

B. That until final compliance as specified in Subparagraph A-5 is achieved, Norris Construction Co. shall comply with the following interim requirements:

No interim requirements are feasible.

C. That Norris Construction Co. shall monitor such emissions and report such information as required by the Executive Director of the Department of Environmental Quality pursuant to Subrule 400—2.1(6) (455B) I.A.C.

D. That Norris Construction Co., prior to the initiation of on-site construction or installation of emission control equipment required by paragraph A-3, obtain a permit for the proposed equipment or related control equipment from the Permits Section of the Air and Land Quality Division of the Department of Environmental Quality, as defined in subrule 400—3.1 I.A.C.

E. That Norris Construction Co. certify to the Chief of the Surveillance Section of the Air and Land Quality Division of the Department of Environmental Quality no later than seven (7) days after the deadline for completing such increment of progress, whether such increment has been achieved; if an increment has not been achieved by the deadline date, a full report of the reasons why the increment was not achieved and of whether the failure is expected to put the subsequent deadline dates in jeopardy should be submitted.

F. That Norris Construction Co., 15 days prior to conducting the performance tests required by this order give notice of such scheduled test to the Chief of Surveillance Section to afford him an opportunity to have an observer present.

Dated: November 16, 1978.

HAL B. RICHERSON,
Chairman, Air Quality Commission.

Dated: September 14, 1978.

M. G. NORRIS,
President, Norris Construction Co.

A public notice was published on October 2, 1978 in the Ottumwa Courier regarding this order, (and the schedule for compliance contained herein), and a public hearing was held before the Iowa Air Quality Commission on November 16, 1978 at the Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa.

DEPARTMENT OF ENVIRONMENTAL QUALITY, DES MOINES, IOWA

In the matter of: Norris Construction Co., Plant No. 51, Ottumwa, Iowa.

WAIVER

Norris Construction Co. acknowledges that it is in violation of subrule 400—4.4(2) I.A.C. and agrees to waive its rights to a contested case hearing under the Iowa Administrative Procedure Act and its rights under 455B.17 of the Iowa Code. Furthermore, Norris Construction Co. has reviewed Order 78-A-015, believes it to be a reasonable means to attain compliance with the applicable regulations in that it accords with the intentions of Norris Construction regarding asphalt plant No. 51 and it consents to the terms of the order. Finally, Norris Construction Co. acknowledges that compliance with Order 78-A-015 does not relieve it of the responsibility to comply with the provisions of the Rules of the Air Quality Commission.

Dated: September 14, 1978.

M. G. NORRIS,
President, Norris Construction Co.

[FR Doc. 79-312 Filed 1-3-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1032-7; Docket No. DCO-78-38]

DELAYED COMPLIANCE ORDERS

Proposed Approval of an Administrative Order Issued by the Gerogia Department of Natural Resources Environmental Protection Division

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a delayed compliance order (EPD-AQC-156) issued by the Georgia Department of Natural Resources, Environmental Protection Division, to

Georgia Pacific Company's Warrenton Mill. The order requires Georgia Pacific Company's Warrenton Mill, to bring air emissions from its wood fired boiler in Warrenton, Georgia, into compliance with certain regulations contained in the federally-approved Georgia State Implementation Plan (SIP) by June 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with the provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before February 5, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. William Voshell, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308. Telephone Number: 404/881-4253.

SUPPLEMENTARY INFORMATION: Georgia Pacific Corporation's Warrenton Mill operates a wood-fired boiler at its facility in Warren County, Georgia. The order under consideration addresses particulate emissions from fuel-burning equipment. These emissions are subject to Georgia's Rules and Regulations for Air Quality Control Section 391-3-1-.02(2)(d)l(ii), which deals with the control of particulate emissions from fuel-burning equipment. This regulation is part of the Federally-approved Georgia State Implementation Plan. The order requires final compliance with particulate emission regulations by June 1, 1979, through the implementation of the following schedule for the construction or installation of contol equipment:

(1) Execute a binding contract or purchase order for equipment and construction by September 21, 1978.

(2) Begin construction by January 1, 1979.

(3) Complete construction by May 1, 1979.

(4) Attain full compliance as demonstrated by a valid particulate emission compliance test by June 1, 1979.

The source has agreed to the terms of the order and has agreed to meet the order's increments during the period of this informal rulemaking. As an interim limit, the boiler shall not exceed 30% opacity, as defined by EPA Method 9.

Because this order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before becoming effective as delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has tentatively determined that the above referenced order satisfies these requirements.

If this order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Georgia SIP. Compliance with the proposed order will not exempt the company from the requirements contained in any subsequent revisions to the SIP which are approved by EPA.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: December 15, 1977.

JOHN C. WHITE,
Regional Administator, Region IV.

[FR Doc. 79-311 Filed 1-3-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL1032-8; Docket No. DCO-78-18]

DELAYED COMPLIANCE ORDERS

Proposed Delayed Compliance Order For Tennessee State University, Nashville, Tenn.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue a Delayed Compliance Order (DCO) to Tennessee State University (TSU), located in Nashville, Tennessee. The DCO requires TSU to bring coal-fired boiler nos. 1, 3, and 4, into compliance with certain regulations contained in the Federally-approved Tennessee State Implementation Plan (SIP). Because TSU is unable to comply with these regulations at this time, the proposed DCO would establish an expeditious schedule requiring final compliance by June 29, 1979. Source compliance with the Order would preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the Order.

DATES: Written comments and requests for a public hearing must be received on or before February 5, 1979, and requests for a public hearing must be received on or before January 19, 1979. All requests for a public hearing should be accompanied by a statement as to why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Paul J. Traina, Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, Atlanta, Georgia 30308. Material supporting the Delayed Compliance Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Bert Cole, Air Enforcement Branch, Enforcement Division, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308; telephone number 404/881-4298.

SUPPLEMENTARY INFORMATION: Pursuant to Section 113(a)(1) of the Act, 42 U.S.C. 7413(a)(1), on February 20, 1976, the Environmental Protection Agency issued a Notice of Violation to TSU informing TSU that the coal-fired boiler nos. 1, 3, and 4 were found to be in violation of Sections 4-1-7 and 4-1-2 of the Nashville-Davidson County Air Pollution Control Ordinance, dealing with the control of particulate emissions from non-process sources and the control of visible emissions, respectively. These regulations

are part of the Federally-approved State Implementation Plan.

Subsequent to the issuance of the Notice of Violation, TSU made modifications to boiler nos. 1 and 4 which were to bring them into compliance with the applicable regulations. Based upon oral agreements made in a September 2, 1977, meeting in Atlanta, Georgia, TSU was to conduct a source test on boiler no. 1 by November 30, 1977, and on boiler no. 4 by December 31, 1977. Boiler no. 3 was no longer operating. Since the agreed test dates were not subsequently complied with by TSU, by letter of February 3, 1978, EPA required TSU to source test boiler nos. 1 and 4, pursuant to Section 114(a) of the Clean Air Act, 42 U.S.C. 7414(a), no later than February 28, 1978, and to submit the test results by March 30, 1978.

TSU tested boiler no. 4 on February 15, 1978, but failed to test boiler no. 1. The preliminary test results on boiler no. 4 indicated that the boiler would not comply with the applicable regulations. TSU felt that boiler no. 1 would also not comply with the regulations. On May 2, 1978, a show cause hearing was held between representatives of TSU and EPA to determine whether or not the TSU case should be referred to the Department of Justice for appropriate judicial action.

Based upon pollution control commitments made by TSU to EPA during the meeting, subsequently confirmed by TSU in a letter of May 9, 1978, EPA has determined that a DCO is a reasonable method to achieve compliance.

This Agency believes that the proposed Delayed Compliance Order satisfies the applicable requirements of Section 113(d) of the Act. The Delayed Compliance Order requires final compliance with Sections 4-1-7 and 4-1-2 by June 29, 1979, and the source has consented to its terms. The source has agreed to comply with the Delayed Compliance Order's remaining increments during the period of this informal rulemaking. If the Delayed Compliance Order is issued, source compliance with its terms would preclude further EPA enforcement against this source for violation of the regulations covered by the Delayed Compliance Order while the Delayed Compliance Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the Delayed Compliance Order. Testimony given at any public hearing concerning the Delayed Compliance Order will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Delayed Compliance Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of a Delayed Compliance Order under Section 113(d) of the Act. In addition, Part 65 will contain sections listing or including orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975) will be withdrawn and replaced by a notice promulgating these new regulations.

Dated: December 13, 1978.

JOHN C. WHITE,
Regional Administrator.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I as follows:

1. By adding an entry to the table in § 65.470, *Federal delayed compliance orders issued under Section 113(d)(1), (3), and (4) of the Act.* to reflect approval of the following order:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the matter of Tennessee State University, Nashville, Tennessee—proceeding under § 113(d) Clean Air Act, as amended, Docket No. DCO-78-18.

DELAYED COMPLIANCE ORDER

This Delayed Compliance Order is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7413 (d) (hereinafter referred to as the "Act"). This Delayed Compliance Order contains a schedule for compliance and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the City of Nashville, Davidson County, and the State of Tennessee have been provided pursuant to Section 113(d)(1) of the Act.

FINDINGS

On February 20, 1976, Mr. Jack E. Ravan, then Regional Administrator, Region IV, United States Environmental Protection Agency, pursuant to authority delegated to him by the Administrator, issued a Notice to Tennessee State University (hereinafter referred to as "TSU"), informing TSU that coal fired boilers nos. 1, 3, and 4 were found to be in violation of the Air Pollution Control Ordinance of the Metropolitan Nashville-Davidson County Health Department (NDCHD), Division of Air Pollution Control, Sections 4-1-7 and 4-1-2, dealing with the control of particulate emissions from non-process sources and the control of visible emissions, respectively. Said violations have continued beyond the 30th day after receipt of the Regional Administrator's notification to TSU.

After a thorough investigation and analysis of all relevant facts, including the fact that TSU is unable to comply immediately and that installation of control equipment is necessary to facilitate compliance with the applicable Nashville-Davidson County air pollution regulations, EPA has determined that compliance in accordance with the schedule hereinafter set forth is reasonable and as expeditious as practicable.

ORDERED

I

ABATEMENT PROGRAM

The attached Appendices governing an abatement program are incorporated into and made a part of this Delayed Compliance Order for the control of particulate emissions and visible emissions at TSU located in Nashville, Tennessee.

The Appendices are designated as follows:
Appendix A: Boilers nos. 1 and 4.
Appendix B: Boiler no. 3.

II

REPORTS—ADDRESSEES

All submissions of source performance test results, reports and other items required by this Delayed Compliance Order shall be made to Paul J. Traina, Director, Enforcement Division, United States Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30308 (hereinafter referred to as the "Director"), with copies to the Director, Tennessee Division of Air Pollution Control, 256 Capitol Hill Building, Nashville, Tennessee, 37219 (hereinafter referred to as the "State Director"), and the Director, Division of Air Pollution Control, Nashville-Davidson County Health Department, 311 23rd Avenue, North Nashville, Tennessee, 38105 (hereinafter referred to as the "Local Director").

III

PROGRESS REPORTS—MILESTONE CERTIFICATION

TSU shall submit, no later than five (5) days after the end of each month, commencing with October 1, 1978, a monthly progress report for the emission points specified in Part I. These reports shall contain specific information on the progress toward each milestone in Part I. If any delay is anticipated in meeting said milestones, TSU shall immediately notify the Director in writing of the anticipated delay and reasons therefore. Notification to EPA of any anticipated delay shall not excuse the delay. In addition, TSU shall submit, no later than five (5) days after the deadline for completing each milestone required by Part I, certification to the Director, State Director and Local Director whether such milestone has been met.

IV

METHOD OF TESTS AND REQUIRED NOTIFICATION

TSU shall provide the Director, State Director and Local Director, with twenty (20) days notice prior to the conducting of any performance tests required by Part I in order to afford an opportunity to evaluate the test procedure and to have an observer present at such testing. The required tests for particulate emissions and opacity shall be conducted in accordance with EPA test reference methods specified in 40 CFR Part 60.

V

MALFUNCTIONS AND BREAKDOWNS

TSU shall perform operation and maintenance practices on all sources as necessary to prevent malfunctions or breakdowns and to reduce emissions in excess of regulations

to the maximum extent practicable. When emissions due to sudden and unforeseen malfunction or breakdown of the affected facility exceed those which occur during the normal operation of the boilers for greater than four (4) hours, the owner or operator shall notify this office and the appropriate State or local air pollution control agency by telephone or telegram as promptly as possible, and in no event later than twelve (12) hours following the start of such malfunction or breakdown, and shall cause written notice to be sent to the Director, the State Director and the Local Director, no later than the end of the next working day following the start of such malfunction or breakdown. Such notices shall specify the name of the affected facility, its location, the address and telephone number of the person responsible for the affected facility, the nature and cause of the malfunction or breakdown, the date and time when such malfunction or breakdown was first observed, the expected duration, and an estimate of the physical and chemical composition, rate, and concentration of the emission. TSU shall remedy the malfunction or breakdown as soon as possible thereafter and shall take reasonable steps to reduce emissions during the malfunction or breakdown.

The Regional Administrator shall have the authority during a malfunction or breakdown to require TSU to take specific steps to reduce emissions, including process equipment modifications and/or reductions, or termination if necessary. Within ten (10) days after the termination of a malfunction or breakdown requiring the above notification, the owner shall submit a report detailing:

(1) The time the excess emission began and ended;

(2) The time of the beginning and end of the malfunction or breakdown which is asserted to be the cause of the excess emission;

(3) An estimate of the physical and chemical composition, rate, and concentration of emissions which occurred, and where continuous monitoring is required or is in effect (including visible emission detector), the strip charts with plots of all emissions monitored versus time, including a summary of the monitoring instruments' written record expressed in units of the applicable standard.

(4) An explanation and, where appropriate, an engineering analysis of the cause of the malfunction or breakdown;

(5) A description of those operating and/or maintenance procedures and practices in use prior to and during the occurrence which were designed to prevent or minimize the extent and duration of the malfunction or breakdown;

(6) Any other steps taken to minimize the extent or duration of the malfunction or breakdown;

(7) An analysis of what steps will be taken to prevent or minimize similar occurrences in the future; and

(8) Such additional information as the Regional Administrator may require.

VI

INTERIM REQUIREMENTS

A. For the period during which this order is in effect, TSU shall at all times comply with the following interim emission requirements for coal fired boiler nos. 1 and 4 which represent the best practicable system of emission reduction:

1. Maintain and operate the present pollution control equipment until such time as additional equipment is installed.

2. Visible emissions shall not exceed 40% opacity.

3. By November 1, 1978, use washed coal with no more than 1% sulfur and an ash content so as to reduce the emissions to no more than 0.38 lbs/MMBTU as determined by an acceptable compliance test.

4. By November 30, 1978, complete performance testing on boiler nos. 1 and 4 to determine compliance with the interim emission limits contained in paragraphs 2 and 3.

5. By December 30, 1978, submit interim emissions performance test results.

If, at any time during the effective period of this Order, the applicable interim emission requirements are violated, TSU shall notify EPA of the violation as soon as possible, but no later than twenty-four hours after the start of the violation.

B. In addition to the foregoing interim emission requirements, for the period during which this Order is in effect, TSU shall take all necessary steps to comply with the applicable emission limitations contained in the State Implementation Plan insofar as TSU is able, and shall take all necessary precautions to ensure that its emissions will not cause or contribute to a violation or violations of National Ambient Air Quality Standards.

C. Furthermore, TSU shall comply with any emergency requirements specified by EPA pursuant to section 303 of the Clean Air Act, 42 U.S.C. 7603, to prevent an imminent and substantial endangerment to human health.

VII

CONTINUOUS MONITORING

TSU shall, as part of the control strategy and pursuant to Section 113(a) of the Act, submit a plan on or before October 1, 1978, for the installation, calibration, maintenance, and operation of monitoring devices which (1) continuously measure and permanently record the opacity of the stack serving boiler nos. 1 and 4, and (2) continuously measure and permanently record the oxygen level in the stack gases. As a minimum, the plan shall include the following: (1) Operation, calibration, maintenance, accuracy, and operating range of the continuous monitoring equipment; (2) a time schedule for installation of the continuous monitoring equipment for boiler nos. 1 and 4 with final installation no later than November 15, 1978. Said monitoring plan shall be subject to review, modification, and approval by the Director. Upon approval, the monitoring and recording plan will be incorporated into and become enforceable as part of this Delayed Compliance Order.

VIII

COMPLIANCE RESPONSIBILITY

Nothing herein shall affect the responsibility of the source to comply with all other applicable Federal, State or local regulations.

IX

ORDER TERMINATION

This Delayed Compliance Order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator determines on the record after notice and hearing, that an inability to comply with Sections 4-1-7 and 4-1-2 no longer exists.

X

VIOLATION OF REQUIREMENTS

Violation of any requirement of this Delayed Compliance Order shall result in one or more of the following actions:

(a) Enforcement of such requirement through the commencement of a civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act, or a criminal prosecution pursuant to Section 113(c) of the Act, or both:

(b) Revocation of this Delayed Compliance Order, after notice and opportunity for a public hearing, and subsequent enforcement of Sections 4-1-7 and 4-1-2, in accordance with Sections 113(b) and/or (c) of the Act.

XI

NONCOMPLIANCE PENALTY

Failure by TSU to achieve and certify compliance by June 29, 1979, and maintain compliance thereafter, shall result in one or more of the actions identified in Part X(a). In addition, noncompliance beyond August 7, 1979, shall subject TSU to an administratively assessed noncompliance penalty pursuant to the requirements of Section 120 of the Act and any rules and regulations promulgated pursuant thereto, unless TSU is exempted by Section 120(a)(2)(B) or (C) of the Act.

In the event of noncompliance after August 7, 1979, TSU will be formally notified of its noncompliance pursuant to Section 120(b)(3) of the Act.

XII

WAIVER OF RIGHTS

By consenting to the terms and conditions of this Delayed Compliance Order TSU waives any and all rights it may have to seek a stay of enforcement of this Delayed Compliance Order in connection with any judicial review of the Tennessee State Implementation Plan or portion thereof.

XIII

EFFECTIVE DATE

This Delayed Compliance Order shall have full force and effect upon execution.

APPENDIX A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DELAYED COMPLIANCE ORDER [1]

TSU shall complete or have completed the following acts with respect to the control of particulate and visible emissions for boiler Nos. 1 and 4 located in Nashville, Tennessee, on or before the dates specified:

[1] This appendix is attached to and incorporated by reference into a Delayed Compliance Order issued to Tennessee State University on —— pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

1. September 20, 1978—Complete general specifications for emission control equipment and submit to EPA a control plan that describes at a minimum the steps to be taken to achieve compliance with the applicable particulate and visible emission limiting regulations.

2. October 20, 1978—Negotiate and sign all necessary contracts for the emission control system.

3. February 20, 1979—Initiate on-site construction or installation of emission control equipment.

4. June 1, 1979—Complete on-site construction or installation of emission control equipment.

5. June 29, 1979—Complete performance testing and achieve final compliance with all applicable particulate and visible emission limiting regulations and certify such compliance to EPA.

APPENDIX B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DELAYED COMPLIANCE ORDER [1]

TSU shall complete the following acts with respect to control of particulate emissions for its boiler No. 3 located in Nashville, Tennessee, on or before the dates specified:

October 1, 1978—Render boiler No. 3 inoperable and certify to the Director, State Director, and Local Director that such action has been completed.

CONSENT [2]

Tennessee State University acknowledges that the visible emissions and the particulate emissions from coal fired boilers Nos. 1, 3, and 4 located at its facility in Nashville, Tennessee, are in violation of the applicable emission limitations contained in the Federally-approved Tennessee Implementation Plan. The University has reviewed this Delayed Compliance Order, believes it to be a reasonable and expeditious means to achieve compliance with the applicable particulate emission limiting regulation and visible emission regulation as contained in the Federally-approved Tennessee Implementation Plan, and consents to all of the requirements and terms of this Delayed Compliance Order. The University also agrees to meet all of the provisions of this Order during the informal rulemaking process.

Tennessee State University hereby represents that it has full legal authority and the necessary governmental approval to enter into and perform in accordance with the terms and provisions of this Delayed Compliance Order. The signatory below represents that he has the authority to execute this Consent on behalf of the University.

Dated: November 22, 1978.

FREDERICK S. HUMPHRIES,
Tennessee State University.

[FR Doc. 79-310 Filed 1-3-79; 8:45 am]

[2] This Consent is attached to and incorporated by reference into a Delayed Compliance Order issued to Tennessee State University on ——, pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

[6560-01-M]

[40 CFR Part 65]

[FRL 1033-3]

DELAYED COMPLIANCE ORDERS

Proposed Disapproval of an Administrative Order Issued by West Virginia Air Pollution Control Commission to National Steel Corporation; Weirton Steel Division

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to disapprove an administrative order by the West Virginia Air Pollution Control Commission to National Steel Corporation, Weirton Steel Division. The order requires the company to bring air emissions from its Mainland Coke Plant in Weirton, Hancock County, West Virginia into compliance with certain regulations contained in the federally-approved West Virginia State Implementation Plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the "Act"). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed disapproval of the order as a delayed compliance order.

DATE: Written comments must be received on or before February 5, 1979.

ADDRESS: Comments should be submitted to Director, Enforcement Division, EPA Region III, Curtis Building, 6th and Walnut Sts., Philadelphia, PA 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Joseph W. Kunz, U.S. EPA Region III, Curtis Building, 6th and Walnut Sts., Philadelphia, PA 19106, (215) 597-8338.

SUPPLEMENTARY INFORMATION: National Steel Corporation, Weirton Steel Division operates a Coke Plant at Weirton, West Virginia. The order under consideration addresses emissions from charging, pushing, door, and topside operations at the facility, which are subject to Regulation VII of the West Virginia Administrative Regulations of the Air Pollution Control Commission.

The regulation limits the emissions of visible and particulate air pollution, and is part of the federally approved West Virginia State Implementation Plan. The order requires final compliance with the regulation by July 1, 1979 through the installation of charging and pushing emissions control systems and the implementation of operating practices for the control of topside and door emissions. Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it become effective as a delayed compliance order under section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. While it is recognized that the order satisfies part of the provisions of section 113(d) for approving such an order, EPA may grant its approval only if the order satisfies all of the applicable requirements of this subsection. EPA proposes to disapprove this order because it does not satisfy the requirements of section 113(d) of the Act which are set forth below:

(1) Section 113(d)(1)(C) and (d)(7)—there are no enforceable interim emission limitations which must be met for the period during which the order is in effect;

(2) Section 113(d)(1)(C)—there are no emission monitoring requirements;

(3) Section 113(d)(1)(D)—(a) with respect to the control systems contemplated by the order, the State and the company for control of pushing emissions, EPA has not received sufficient information on the emission limitation capabilities of these systems upon which to base a determination that these systems and, therefore, the order provide for final compliance with the requirements of the applicable implementation plan as expeditiously as practicable but in no event later than July 1, 1979; (b) EPA has not received sufficient information upon which to base a determination that the provisions of the order require compliance as expeditiously as practicable; (c) the information given to EPA to date supports a conclusion that the equipment which is contemplated under the order will not control visible and particulate matter emissions to the nature and extent required by the requirement of the applicable implementation plan and that this equipment may serve to circumvent this requirement.

(4) Section 113(d)(3), (d)(1)(C), (d)(6), and (d)(7)—the order does not require or establish a bond or other surety in an amount equal to the cost

of actual compliance by battery 7 and it does not include any interim schedule of compliance.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the West Virginia SIP. All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining final EPA action. Due to the timing of the publication of this proposed rulemaking, final rulemaking on the subject order will not occur until some date which is more than ninety (90) days after receipt of the order from the State of West Virginia on July 5, 1978, because, among other things, it will be necessary to provide adequate time for public comment and EPA review and evaluation of such comment prior to final rulemaking. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

Dated: October 20, 1978.

JACK J. SCHRAMM,
Regional Administrator,
EPA Region III.

[FR Doc. 79-307 Filed 1-3-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1033-2]

DELAYED COMPLIANCE ORDERS

Proposed Disapproval of an Administrative Order Issued by West Virginia Air Pollution Control Commission to National Steel Corporation; Weirton Steel Division

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to disapprove an administrative order issued by the West Virginia Air Pollution Control Commission to National Steel Corporation, Weirton Steel Division. The order requires the company to bring air emissions from its Sinter Plant in Weirton, Hancock County, West Virginia into compliance with certain regulations contained in the federally-approved West Virginia State Implementation Plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the "Act"). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed disapproval of the order as a delayed compliance order.

DATE: Written comments must be received on or before February 5, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA Region III, Curtis Building, 6th and Walnut Sts., Philadelphia, PA 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Joseph W. Kunz, U.S. EPA Region III, Curtis Building, 6th and Walnut Sts., Philadelphia, PA 19106, (215) 597-8338.

SUPPLEMENTARY INFORMATION: National Steel Corporation, Weirton Steel Division operates a Sinter Plant at Weirton, West Virginia. The order under consideration addresses emissions from the windbox at the facility, which are subject to Regulation VII of the West Virginia Administrative Regulations of the Air Pollution Control Commission.

The regulation limits the emissions of visible and particulate air pollution, and is part of the federally approved West Virginia State Implementation Plan. The order requires final compliance with the regulation by July 1, 1979 through the installation of additional fan capacity.

Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. While it is recognized that the order satisfies part of the provisions of Section 113(d) for approving such an order, EPA may grant its approval only if the order satisfies all of the applicable requirements of this subsection. EPA proposes to disapprove this order because it does not satisfy the requirements of Section 113(d)(1)(D) of the Act. With respect to the control system contemplated by the Order, the State and the Company for control of emissions from the sinter plant windbox, EPA has not received sufficient information on the emission limitation capabilities of this system upon which to base a determination that this system and, therefore, the order provide for final compliance with the requirements of the applicable implementation plan as expeditiously as practicable but in no event later than July 1, 1979.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the West Virginia SIP. All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining final EPA action. Due to the timing of the publication of this proposed rulemaking, final rulemaking on the subject order will not occur until some date which is more than ninety (90) days after receipt of the order from the State of West Virginia on July 5, 1978, because, among other things, it will be necessary to provide adequate time for public comment and EPA review and evaluation of such comment prior to final rulemaking. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

Dated: October 20, 1978.

JACK J. SCHRAMM,
Regional Administrator,
EPA Region III.

[FR Doc. 79-308 Filed 1-3-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1033-1]

DELAYED COMPLIANCE ORDERS

Proposed Disapproval of an Administrative Order Issued by West Virginia Air Pollution Control Commission to National Steel Corporation; Weirton Steel Division

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to disapprove an administrative order by the

West Virginia Air Pollution Control Commission to National Steel Corporation, Weirton Steel Division. The order requires the company to bring air emissions from its Mainland Coke Plant in Weirton, Hancock County, West Virginia into compliance with certain regulations contained in the federally-approved West Virginia State Implementation Plan (SIP) by June 30, 1980. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the "Act"). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed disapproval of the order as a delayed compliance order.

DATE: Written comments must be received on or before February 5, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA Region III, Curtis Building, 6th and Walnut Sts., Philadelphia, PA 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Joseph W. Kunz, U.S. EPA Region III, Curtis Building, 6th and Walnut Sts., Philadelphia, PA 19106, 215-597-8338.

SUPPLEMENTARY INFORMATION: National Steel Corporation, Weirton Steel Division operates a Coke Plant at Weirton, West Virginia. The order under consideration addresses emissions from Mainland Coke Plant coke oven gas combustion at the facility, which are subject to Regulation X of the West Virginia Administrative Regulations of the Air Pollution Control Commission.

The regulation limits the emissions of Sulfur Dioxide, and is part of the federally approved West Virginia State Implementation Plan. The order requires final compliance with the regulation by June 30, 1980 through the installation of a coke oven gas desulfurization system.

Because this order has been issued to a major source of Sulfur Dioxide emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. While it is recognized that the order satisfies part of the provisions of Section 113(d) for approving such an order, EPA may grant its approval only if the order satisfies all of the applicable requirements of this subsection. EPA proposes to disapprove this order because it does not satisfy the requirements of Section 113(d) of the Act which are set forth below:

(1) Section 113(d)(1)(C)—there are no emission monitoring requirements;

(2) Section 113(d)(1)(D)—(a) with respect to the control systems contemplated by the order, the State and the Company for desulfurization of coke oven gas, EPA has not received sufficient information on the emission limitation capabilities of these systems upon which to base a determination that these systems and, therefore, the order provides for final compliance with the requirements of the applicable implementation plan as expeditiously as practicable but in no event later than July 1, 1979; (b) the information given to EPA to date supports a conclusion (i) that the order does not provide for compliance as expeditiously as practicable, and (ii) that the equipment which is contemplated under the order (vacuum carbonate system and Claus acid plant) does not constitute a new means of emission limitation and does not satisfy the criteria of Section 113(d)(4) (B) and (C) of the Act concerning authorization of a final compliance date in the order which is later than July 1, 1979, but in no event later than five years after the date on which the source would otherwise be required to be in full compliance with the requirement. If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the West Virginia SIP. However, in the event final compliance is not achieved by July 1, 1979, source compliance with the order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2) (B) or (C). All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining final EPA action. Due to the timing of the publication of this proposed rulemaking, final rulemaking on the subject order will not occur until some date which is more than ninety (90) days after receipt of the order from the State of West Virginia on July 5, 1978, because, among other things, it will be necessary to provide adequate time for public comment and EPA review and evaluation of such comment prior to final rulemaking. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

Dated: October 20, 1978.

JACK J. SCHRAMM,
Regional Administrator,
EPA Region III.

[FR Doc. 79-309 Filed 1-3-79; 8:45 am]

[6315-01-M]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1067]

[CSA Instruction 6004-5]

FUNDING OF CSA GRANTEES

Due Process Rights for Applicants Denied Benefits Under CSA-Funded Programs

AGENCY: Community Services Administration.

ACTION: Extension of comment period.

SUMMARY: The Community Services Administration is extending the comment period for its proposed rule on due process rights for applicants denied benefits under CSA-funded programs which appeared in the FEDERAL REGISTER on December 14, 1978 (43 FR 58393). This action is being taken in order to comply with the agency's rule on "Improving CSA Regulations Under Executive Order 12044" since it substantially affects the eligibility of the poor for benefits under CSA programs. The extension will provide a more meaningful opportunity for the public to impact on the final regulation.

DATE: The closing date for receipt of comments is extended to February 2, 1979. Comments received by that date will be considered in writing the final rule.

ADDRESS: Please send all comments to: Ms. Jacqueline G. Lemire, Community Services Administration, Office of Community Action, Policy Development and Review Division, 1200 19th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Ms. Jacqueline G. Lemire, Telephone (202) 254-5047, Teletypewriter (202) 254-6218.

The provisions of this subpart are issued under the authority of section 602, 78 Stat. 530; 42 U.S.C. 2942.

THOMAS J. MACK,
Acting General Counsel, Office of Legal Affairs and General Counsel.

[FR Doc. 79-192 Filed 1-3-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 285]

ATLANTIC TUNA FISHERIES

Bluefin Tuna; Hearing Announcement

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Announcement of public hearing.

SUMMARY: The National Marine Fisheries Service will hold a number of informational hearings to introduce a proposed new management system for the Atlantic Bluefin Tuna fishery. This proposal may evetually modify existing regulations, including annual catch quotas, seasons, and reporting and inspection requirements for vessels of the United States.

EFFECTIVE DATE: The hearings will be held on January 8 through 11, 1979.

ADDRESSES: See SUPPLEMENTARY INFORMATION below.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Pursuant to section 6 of the Atlantic Tunas Convention Act of 1976 (the Act), 16 U.S.C. 971d, final regulations were published on June 21, 1978 (43 FR 26581) to implement the International Convention for the Conservation of Atlantic Tunas (20 U.S.T. 2887) and provisions of the Act. These regulations prescribe measures including permits, seasons, quotas, gear restrictions, vessel inspections, and reporting requirements to manage the Atlantic Bluefin Tuna fishery. The National Marine Fisheries Service (NMFS) is contemplating a new management strategy for this fishery which may result in modifications to the existing regulations. Therefore, NMFS will hold a number of information hearings at the following dates, locations, and times to inform the public concerning this proposed management strategy:

January 8, 1979—Holiday Inn (7-9 p.m.), Route 1, Peabody, Massachusetts. 617-535-4600.

January 9, 1979—Howard Johnson's Motor Lodge (7-9 p.m.), Jefferson Boulevard, Warwick, Rhode Island, 401-467-9800.

January 10, 1979—Hilton Hotel (7-9 p.m.), Route 36, Tinton Falls, (Eatontown), New Jersey, 201-544-9300.

January 11, 1979—Quality Inn Lake Wright (7-9 p.m.), 6280 Northampton Boulevard, Box 2048, Norfolk, Virginia, 804-461-6251.

Comments on the proposed management system will be received at these hearings. Written comments may be sent to the Regional Director at the above address on or before February 12, 1979.

(16 U.S.C. 971 *et seq.*)

Signed at Washington, D.C., this the 28th day of December 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 79-313 Filed 1-3-79; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-01-M]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SECTION 22 IMPORT FEES

Determination of Quarterly Import Fees on Sugar

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15 and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the first calendar quarter of 1979.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202-447-6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation dated December 28, 1978, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15 and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the first 20 consecutive market days preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) exceeds 16.0 cents, the fee then in effect shall be decreased by one cent; or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound. The fee, in no event, may be greater than 50 per centum of the average of such daily spot price quotations.

The average of the daily spot (world) price quotations for raw sugar for the applicable period prior to the first calendar quarter of 1979 has been calculated to be 7.94 cents per pound. This results in a fee of 3.35 cents per pound for item 956.15 [15.0 cents—(7.94 cents average spot price + 2.81 cents duty + .90 cents attributed costs) = 3.35 cents]. Accordingly, the fee for items 956.05 and 957.05 for the first calendar quarter of 1979 is 3.87 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees prior to the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amount of such fees to the Secretary of the Treasury and file notice thereof with the FEDERAL REGISTER. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

NOTICE

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the first calendar quarter of 1979 shall be as follows:

Item:	*Fee*
956.05	3.87 cents/lb.
956.15	3.35 cents/lb.
957.15	3.87 cents/lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C. on December 28, 1978.

CAROL TUCKER FOREMAN,
Acting Secretary of Agriculture.

[FR Doc. 78-36477 Filed 12-29-78; 8:45 am]

[3410-01-M]

MEAT IMPORT LIMITATIONS

First Quarterly Estimate

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates for 1979 are published.

1. The estimated aggregate quantity of such articles prescribed by Section 2(a) of the Act during the calendar year 1979 is 1,131.6 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1979 is 1,570.0 million pounds. This estimate is based upon the successful completion of a restraint program being negotiated by the Department of State with major supplying countries. Were it not for the expected restraint program, the estimate of imports in 1979 subject to the Act would have been higher.

Since the estimated quantity of imports exceeds 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1979 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20) are required to be imposed but may be suspended by the President pursuant to section 2(d) of the Act.

Done at Washington, D.C. this 29th day of December 1978.

CAROL TUCKER FOREMAN,
Acting Secretary.

[FR Doc. 79-368 Filed 1-3-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Order 78-12-190; Dockets 33494, 33588, 33907, 34119]

DELTA AIR LINES, INC., ET AL.

Service to North Carolina; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of December, 1978.

In the matter of: Application of Delta Air Lines, Inc. for deletion of service at Asheville, North Carolina (Docket 33494), application of Piedmont Aviation, Inc. for amendment of its certificate of public convenience and necessity for Route 87 (Docket 33588), notice of Delta Air Lines, Inc. of termination of all service at Asheville, North Carolina under section 401(j) of the Federal Aviation Act of 1958, as amended (Docket 33907), and notice of United Air Lines, Inc. of termination of all service at Asheville, North Carolina under section 401(j) of the Federal Aviation Act of 1958, as amended (Docket 34119).

On September 20, 1978, Delta Air Lines filed an application under section 401(j) of the Federal Aviation Act for deletion of Asheville, North Carolina, from its certificate for Route 54. The following day it filed a petition for an order to show cause why its application should not be granted.

In support of its application and petition, Delta states that its operations at Asheville in recent years have not been economically self-sustaining, with extremely low load factors and operating losses;[1] that Route 54 points account for only 20 percent of Asheville's O&D and connecting traffic; and that since there can be little dispute as to the material facts upon which the application is based, show-cause procedures are the appropriate means of handling the request.

Answers to Delta's application have been filed by the City Council of the City of Asheville and the County Commissioners of Buncombe County, the North Carolina Department of Transportation, and the City of Asheville. The Commissioners oppose the request unless a carrier not now serving the point is authorized to replace Delta's services. The N.C.D.O.T. states that if Delta is to be granted permission to drop Asheville, then Piedmont's restrictions in several markets should be lifted, and that any new carriers that might be interested in providing service to Asheville should be granted such authority.

The City opposes Delta's application, contending that: an abrupt suspension of service would cause irreparable harm to the people of Asheville; the point is the predominate metropolitan hub of western North Carolina; as one of only two trunk carriers serving Asheville, Delta has used very little of its extensive route authority at the city; the community has been attempting to work out a route transfer or other appropriate arrangement between Delta and a carrier not now serving Asheville; approval of the deletion request at this time would seriously impair those efforts; and the application should be denied since Asheville's traffic potential has not been adequately tested and Delta's overall financial standing is not in jeopardy. The City further argues that the new Act, as reported from Conference Committee, assures that communities to be deleted will have at the very least an opportunity to seek replacement service or administratively fight the proposed deletion; that Delta's services are clearly essential within the meaning of the proposed Act;[2] and that under these circumstances, it would be an abuse of discretion for the Board to grant a deletion without a hearing.

On October 2, 1978, Piedmont Aviation filed an application for amendment of its certificate to eliminate one-stop restrictions between Asheville and four points—Columbia, S.C., Columbus, Ohio, Chicago, Ill., and Miami/Ft. Lauderdale.[3] It also filed a motion to consolidate its application with Delta's application in Docket 33494. Finally, it filed a petition for an order to show cause why its request cannot be granted.

On November 1, 1978, Delta filed a notice, under section 401(j) of the 1978 Act, of termination of service at Asheville. The City of Asheville filed an answer, presenting basically the same arguments contained in its answer to the deletion request. Delta filed a reply to the answer.[4]

On November 28, 1978, United Air Lines filed a 401(j) notice of termination of service at Asheville.[5]

We have decided to (1) allow the termination notices to take effect, and (2) issue an order to show cause which proposes to (a) deny Delta's application for deletion of Asheville, and (b) remove existing one-stop restrictions contained in Piedmont's certificate in the Asheville-Columbia/Columbus/Chicago/Miami/Ft. Lauderdale markets.[6]

Our decision on the termination notices is based on the following considerations. Delta and United have never been significant factors in the carriage of traffic at Asheville. For the year ended December 31, 1977, they carried only 7.5 and 10 percent, respectively, of the single-carrier traffic transported into and out of the point by certificated carriers during that period. Furthermore, Piedmont, with nonstop authority between Asheville and Atlanta, provides a total of 10 daily one-way flights in the market, providing convenient connections to and from points throughout the country. United only operates two one-way flights daily in that market, which in 1977 generated nearly 150,000 passengers. Delta, with no usable authority to Atlanta from Asheville, routes its flights to Cincinnati and Chicago. The Cincinnati market generated only 5,000 O&D plus connecting passengers during 1977. The Chicago market, which ranks fourth for Asheville, generated 26,000 O&D plus connecting passengers. Piedmont, whose services via one intermediate point currently supplement those of Delta to Chicago, should be able to absorb the additional passengers who now use Delta's services.

Our review of the services now being provided at Asheville convinces us that essential air transportation will be maintained at the point without the services of Delta or United. In addition, Piedmont's authority as contemplated in this order will permit improved service in two of Asheville's largest markets, if it chooses to implement it, and there is already ample service to Atlanta, the largest Asheville market. Given the minor role of

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[1] The carrier indicates that it carried an average of only 11 passengers per day each way to and from Asheville between September 15, 1977 and June 30, 1978; that it carried only 2.5 percent of Asheville passenger traffic in 1977; and that resulting losses were $652,310.

[2] It cites the facts that Delta provides the only service between Asheville and Columbia; that the carrier provides one-half of all Asheville-Chicago-single-plane service, a market in which it holds the only nonstop authority and which ranks number four for Asheville; and that the carrier provides the only nonstop service to Cincinnati.

[3] Piedmont currently serves Miami under exemption authority granted in Order 78-4-129. By Order 78-9-148, dated September 29, 1978, interested persons were directed to show cause why Piedmont's certificate should not be amended to permit nonstop service between Charleston, S.C. and Columbia, on the one hand, and Miami, on the other.

[4] The reply was accompanied by a motion for leave to file. We will grant the motion.

[5] United's application has triggered the provisions of section 419(a)(2)(B), which requires us to make a determination of essential air transportation at a point within 180 days of the date on which we receive notice that only one carrier will be serving such point.

[6] This assumes that Miami/Ft. Lauderdale will be include in Piedmont's certificate by the time this order is finalized.

Delta and United in the development of the city's traffic, the elimination of their services does not reasonably appear to deprive Asheville of essential air transportation. We will therefore allow the notices of termination to become effective after the required 90-day notice periods.[7]

As to Delta's deletion application, we tentatively conclude that since the carrier will suspend service at Asheville at the end of the 90-day notice period, deletion of the point from its certificate would not be consistent with the public convenience and necessity. In support of our conclusion, we make the following tentative findings. Under the new Act the elimination of non-essential air services, including suspension of service at a point, can be accomplished without Board intervention, provided only that proper notice is given to the communities affected. We can see no reason to delete Delta's authority to serve Asheville when suspension accomplishes the same objective and permits the flexibility to resume service at any time in the carrier's discretion if circumstances warrant such action. We are especially concerned that deletion would eliminate the ability of the community to attract service under the dormant authority provisions of the 1978 Act. Under these circumstances, we tentatively conclude that Delta's application to delete Asheville from its certificate should be denied.[8]

We also tentatively conclude that the proposed amendment of Piedmont's certificate to permit nonstop operations in four Asheville markets is consistent with the public convenience and necessity. Delta is the only unrestricted carrier in the Asheville-Chicago market, and currently only one-stop service is offered. With its one-stop restriction removed, Piedmont will be able to accommodate those passengers and will also be able to realize cost savings from the elimination of an intermediate stop. Direct service to Miami is not currently available; authorization in that market will permit Piedmont to integrate its services to the southeast more fully with the rest of its system operations and to provide nonstop service in a market which in 1977 generated 20,000 O&D plus connecting passengers. Delta is the only carrier authorized to provide nonstop service in the Columbia and Columbus markets and operates one daily round trip between Asheville and Columbia. It offers no direct service to Columbus. Authorization of nonstop service by Piedmont will permit it to replace Delta's Columbia nonstop services if it chooses and to offer new service in the Columbus market.[9]

Finally, we tentatively conclude that Piedmont is fit, willing, and able to perform properly the air transportation authorized by the certificate proposed to be issued here and to conform to the provisions of the Act and our rules, regulations, and requirements; that our proposed action would not constitute a major Federal action significantly affecting the quality of the environment within the meaning of the National Environmental Policy Act of 1969; and that it is not a major regulatory action under the Energy Policy and Conservation Act of 1975.[10]

We will give interested persons 20 days[11] following the service date of this order to show cause why the tentative findings and conclusions set forth here should not be made final; replies will be due within 10 days thereafter. We expect those persons to direct their objections, if any, to specific matters dealt with here, and to support their objections with detailed economic analysis. If an oral evidentiary hearing complete with the opportunity for cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections. We remind objectors that under the 1978 Act, they have the burden of showing why the authority proposed here will not be consistent with the public convenience and necessity.

Accordingly,

1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated here and amending the certificate of Piedmont Aviation, Inc. for Route 87 so as to permit nonstop service between Asheville, N. C., on the one hand, and Columbia, S. C., Columbus, Ohio, Miami/Ft. Lauderdale, Fla., and Chicago, Ill., on the other;

2. We direct any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth here to file with us, no later than January 18, 1979, and serve upon all persons listed in paragraph 9, below, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; interested persons shall file answers to objections no later than January 29, 1979;

3. If timely and properly supported objections are filed, we will give full consideration to the matters or issues raised before we take further action; [12]

4. In the event no objections are filed to any part of this order, we will eliminate all further procedural steps relating to such part or parts and we will proceed to enter an order in accordance with the tentative findings and conclusions set forth in this order;

5. We deny the petition of Delta Air Lines for an order to show cause in Docket 33494;

6. We dismiss the petition filed by the City of Asheville in Docket 33907 for review of essential air service under section 419(a)(10) of the 1978 Act;

7. We grant the motion of Delta Air Lines for leave to file an otherwise unauthorized document;

8. We dismiss the motion of Piedmont Aviation to consolidate its application in Docket 33588 with Docket 33494, but we grant its motion for an order to show cause;

9. We will serve this order on Piedmont Aviation, Inc.; Delta Air Lines, Inc.; the City Council of the City of Asheville and the County Commissioners of Buncombe County; the North Carolina Department of Transportation; the City of Asheville; the City of Chicago; the City of Cincinnati; the City of Columbia; the City of Miami, Fla.; the City of Ft. Lauderdale; the City of Columbus, Ohio; and the Postmaster General;

10. The notice filed by Delta Air Lines for termination of service at Asheville, N.C., may be effective on February 1, 1979; and

11. The notice filed by United Air Lines for termination of service at Asheville, N.C., may be effective on February 28, 1979.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board: [13]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-382 Filed 1-3-79; 8:45 am]

[7] We are treating the answer Asheville has filed in opposition to Delta's notice as a petition under section 419(a)(10) of the 1978 Act. We have considered the arguments raised and have determined, based on the above findings, to dismiss the petition.

[8] Delta's motion for an order to show cause in Docket 33494 will therefore be denied.

[9] We also invite other certificate applications for Asheville authority. We expect to process such applications by show-cause procedures.

[10] Piedmont filed an environmental representation that no additional flights are planned at this time and that the authority received by restriction removal would be used primarily for operating and scheduling flexibility between cities already served by Piedmont. No answers to the filing have been received.

[11] We are shortening the number of days allowed for objections from 30 days to 20 days in order to receive and process responses by February 1, 1979, the effective date of Delta's 401(j) notice.

[12] Since provision is made for the filing of objections to this order, we will not entertain petitions for reconsideration.

[13] All members concurred.

[6320-01-M]

[Order 78-12-191; Dockets 33054, 33163, 33519, 33597, 33630]

PIEDMONT AVIATION, INC.

Applications for Certificate Authority; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December, 1978.

In the matter of applications of Piedmont Aviation, Inc., Southern Airways, Inc., Trans World Airlines, Inc., Allegheny Airlines, Inc., and Braniff Airways, Inc., for certificate authority.

On July 19, 1978, Piedmont Aviation filed an application for unrestricted nonstop authority in the Nashville-Denver/Las Vegas/Phoenix and Knoxville-Denver markets, accompanied by a motion for hearing. While Piedmont requests show cause procedures, it states that if other applications are consolidated into this proceeding, it would not object to our instituting a hearing.

In support of its motion, it states that it will offer discounts of 30 to 40 percent from existing fares in the Denver-Nashville/Knoxville and Phoenix/Las Vegas-Nashville markets; that it will provide first one-stop, single plane, or single-carrier service from points elsewhere on its system, with the promise that its proposed schedules will avoid the congested hub airports currently used as connecting points by much of the traffic; and that it will earn a net profit (after return on investment and tax) of $228,000 based upon Subpart K costing methodology.

A number of civic parties have filed answers in support.[1]

On August 7, 1978, Southern Airways filed a motion without supporting documentation, requesting that its application in Docket 33163, which asks for authority identical to that requested by Piedmont in its application, be consolidated with it.

Subsequently, TWA, Allegheny and Braniff filed applications accompanied by motions to consolidate, requesting some of the same authority.[2]

On August 30, 1978, Western Air Lines filed an answer to Piedmont's motion for hearing, in which it raised the point that Piedmont's application, apparently by oversight, treats Phoenix, Las Vegas and Denver as co-terminals on a segment from Nashville, although the language of its motion makes clear that it intends to exclude purely local traffic rights between Denver-Phoenix, Denver-Las Vegas and Las Vegas-Phoenix. It contends that such local traffic rights should not be considered in this proceeding, because Denver-Las Vegas is currently at issue in the *St. Louis-Denver-Las Vegas/Reno Route Investigation*, Docket 32920, and Las Vegas-Phoenix is currently at issue in the *Phoenix-Las Vegas/Reno Competitive Nonstop Service Investigation*, Docket 30055.[3]

We tentatively conclude, on the basis of the tentative findings below, that it is consistent with the public convenience and necessity to grant, on a subsidy-ineligible basis, the Nashville-Denver/Phoenix/Las Vegas and Knoxville-Denver applications of Piedmont, Southern, TWA, Allegheny, Braniff and any other fit, willing and able applicant whose fitness, willingness and ability can be established by officially noticeable data.[4] Further, we tentatively conclude that no oral evidentiary hearing is needed here since there are no material determinative issues of fact requiring such a hearing for their resolution.

Under the Airline Deregulation Act of 1978, we must approve an application for certificate authority unless we find, by a preponderance of the evidence, that approval would not be consistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). The new Act creates a presumption that the grant of all applications is consistent with the public convenience and necessity. It places on any opponents of these applications the burden of proving them inconsistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). To give such opponents a reasonable opportunity to meet an admittedly heavy burden of proof, it is our view that applicants must indicate what type of service they would provide if, after receiving authority, they chose to serve the markets at issue. This does not mean that an applicant must show that it will provide service if it receives authority but rather what the nature of its service would be if it decided to serve. We will give all existing and would-be applicants 15 days from the date of service of this order to supply data,[5] in order to give interested persons sufficient information on the nature of the applicant's proposal to assess consistency with the public convenience and necessity. Our tentative findings concerning all applicants that have not filed illustrative service proposals are contingent on such filings.

Upon review of all the facts and pleadings in this case, we have tentatively determined that there is no reason why we should not grant multiple awards. Our tentative conclusions comport with the letter and spirit of the Airline Deregulation Act of 1978, particularly the declaration of policy set forth in section 102 which instructs us to rely, to the maximum extent possible, on competitive forces, including potential competition.[6] See our general conclusions about the benefits of mul-

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[1] The Metropolitan Nashville Airport Authority; the City and County of Denver; the Public Utilities Commission of the State of Colorado and the State of Colorado; the Raleigh-Durham Airport Authority; the Las Vegas Parties (Clark County, Nevada, the Greater Las Vegas Chamber of Commerce, the City of Las Vegas, the Nevada Resort Association and the Las Vegas Convention/Visitors Authority); the Norfolk Port and Industrial Authority; the Metropolitan Knoxville Airport Authority; the Greater Charlotte Chamber of Commerce and the City of Charlotte; and the North Carolina Department of Transportation.

[2] TWA filed its application (Docket 33519) and a companion motion to consolidate on September 22, 1978, requesting new authority in Nashville-Denver/Phoenix/Las Vegas as a new segment for its Route 2 certificate. Allegheny filed its application (Docket 33597) and a motion to consolidate on October 2, 1978, requesting Nashville-Denver/Phoenix/Las Vegas as a new segment for its Route 97 certificate. Braniff filed its application (Docket 33630) and a motion to consolidate on October 6, 1978, requesting Nashville-Denver/Phoenix/Las Vegas nonstop authority. TWA, Allegheny and Braniff supplied no supporting documentation.

[3] Based on the exhibits filed by Piedmont, we believe that it is seeking the Nashville-Phoenix, Nashville-Las Vegas and Nashville-Denver segments and does not seek authority between Denver-Phoenix, Denver-Las Vegas or Las Vegas-Phoenix.

[4] Officially noticeable data consist of that material filed under Rule 24(m) of our Procedural Regulations. Applicants whose fitness cannot be so established must make a showing of fitness, as well as dealing with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally. On the basis of officially noticeable data, we find that Piedmont, Southern, TWA, Allegheny and Braniff are citizens of the United States and are fit, willing and able to perform the air services proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

[5] They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets if they instituted the proposed service, as well as a statement on the availability of the required fuel.

[6] Section 102(a) specifies as being in the public interest, among other things: "The replacement of maximum reliance on competitive market forces and on actual and potential competition (a) to provide the needed air transportation system, and (b) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital" and "The encouragement, development, and maintenance of an air transportation system relying on actual and potential competiton to provide efficiency, innovation and low prices, and to determine the variety, quality, and price of air transportation services."

tiple permissive authority in *Improved Authority to Wichita Case, et al.*, Order 78-12-106, December 14, 1978. Accordingly, we conclude that it is desirable to award the additional authority sought by the applicants, whether or not services are in fact operated. The existence of additional operating rights in market now being served by incumbent carriers or authorized to be served will best effect the statute's policy objective of placing maximum reliance on the decisions of the marketplace. This will occur because newly authorized carriers may actually enter the market in order to exploit unmet demand, both in terms of price and service, or because incumbents will be encouraged by the realistic threat of entry to meet that demand. Because demand is dynamic in character and therefore constantly changing, the most effective means to assure that competitive forces will operate quickly and efficiently is to award multiple operating authority to carriers that are fit, willing and able to provide service.

Notwithstanding the foregoing tentative conclusions in support of multiple authority in this proceeding, we wish to make clear that we in no way desire to deter objections that might be asserted under the 1978 Act by air carriers, civic interests or other interested persons. The new statute contains a completely revised declaration of policy in section 102, as well as numerous additional and modified substantive provisions. Some of these statutory changes relate to considerations not expressly covered in the preceding statute. For example, while diversion from existing carriers will not be given decisive weight in rejection applications for new authority except upon an extraordinary showing of financial jeopardy on the part of one or more existing air carriers, with the consequent loss of essential air service which cannot be immediately replaced, other provisions suggest that the Congress desires us to take into account other factors. These include, but are not limited to satellite airport questions and the degree of concentration within the industry and safety. Any party in this proceeding may explain in full why the authority that we propose to grant should not issue. Such explanations should apply specifically to the applications in issue, and should be sufficiently detailed to overcome the statutory presumption of favorable treatment that the Act bestows on applications.

Finally, upon review of the environmental evaluation submitted by Piedmont in its application, to which no answers have been filed, we find that our decision to award it authority does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, or a major regulatory action under the Energy Policy and Conservation Act of 1975. We reserve judgment on the environmental consequences of other applications, pending submission of environmental data.

We will give interested persons 30 days following the service data of this order to show cause why the tentative findings and conclusions set forth here should not be made final; replies will be due within 10 days thereafter. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a proceeding that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.

ACCORDINGLY,

1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated above and amending the certificate of public convenience and necessity of Piedmont Aviation for Route 87 and Southern Airways for Route 98 so as to authorize the carriers to engage in nonstop operations between Nashville, on the one hand, and Denver, Phoenix and Las Vegas, on the other, and between Knoxville and Denver; and amending the certificates of public convenience and necessity of Trans World Airlines for Route 2, Allegheny Airlines for Route 7 and Braniff Airways for Route 9, so as to authorize them to engage in nonstop operations between Nashville, on the one hand, and Denver, Phoenix and Las Vegas, on the other; and amending, to grant any of the authority in issue, the certificates of any other fit, willing and able applicants the fitness of which can be established by officially noticeable material;

2. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth here, to file with us and serve upon all persons listed in paragraph 7, no later than February 2, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections; answers shall be due no later than February 12, 1979;

3. If timely and properly supported objections are filed, we will accord full consideration to the matters and issues raised by the objections before we take further action;[7]

4. In the event no objections are filed, we will deem all further procedural steps to have been waived and we may proceed to enter an order in accordance with the tentative findings and conclusions set forth here;

5. We grant the motions of Southern, TWA, Allegheny and Braniff to consolidate their applications in Dockets 33163, 33519, 33597, and 33630, respectively, with Piedmont's application in Docket 33054;

6. We direct Southern, TWA, Allegheny, Braniff and any other applicant for the authority in issue to file the data set forth in footnote 5 no later than January 18, 1979; and

7. We will serve a copy of this order upon all persons named in the service list of Docket 33054.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[8]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-383 Filed 1-3-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

[File No. 563]

GEO SPACE CORP.

Order Regarding Export Administration

A Compliance Division letter of February 16, 1978, as amended on December 19, 1978 charged that Geo Space Corporation (herein "respondent"), 5803 Glenmont Drive, P.O. Box 36374, Houston, Texas 77036, had violated the Export Administration Act, 50 U.S.C. App. 2401 et seq. and the Export Administration Regulations, 15 CFR Part 368 *et seq.*, by reason of exporting approximately $4,000,000 worth of controlled electronic seismic equipment on 46 separate occasions without first obtaining the requisite validated licenses from the Office of Export Administration.

Respondent, although denying it had knowingly violated the regulations, admitted that it had made the subject exportations without first applying for validated licenses. It does not admit violations of law. However, for the purposes of this proceeding, it negotiated a consent agreement in conformity with 15 CFR 388.10 with the Office of General Counsel and the Compliance Division.

The Hearing Commissioner reviewed the consent proposal, the evidence,

[7] Since provision is made for the filing of objections to this order, we will not entertain petitions for reconsideration.

[8] All Members concurred.

and all other materials of record. He noted that four charges were related to exportations to Eastern European countries and one to the Peoples Republic of China; there is no presemption that licenses to these countries would have been issued in all cases. He stated that the respondent indicated it had relied on an advisory licensing opinion, issued by the Office of Export Administration in 1973, that certain of the items involved in this proceeding could be exported under general license to all except SZ countries. He found the reliance to be erroneous. He stated that respondent recognized its error, had cooperated in its own investigation, gave assurance of future compliance and that respondent is not otherwise suspect. He recommended the approval of the consent proposal and the issuance of this Order.

On the basis of the Commissioner's report, I find that Geo Space Corporation illegally exported controlled electronic seismic equipment as alleged in the charging letter.

I have considered respondent's explanatory statement for its reliance on the advisory opinion, its admission of error and assurances to comply with the export laws and regulations. I also considered the respondent's agreement to pay a monetary penalty as authorized in law, and to accept the further sanctions outlined below. The consent proposal is designed to achieve effective enforcement of the Export Administration Regulations and is hereby approved.

Therefore, pursuant to the authority delegated to me, 15 CFR Part 388.

It is ordered, I. A $36,000 civil penalty is imposed upon respondent.

II. All outstanding validated export licenses issued to respondent or in which it has interests are hereby revoked and must be returned forthwith to the Office of Export Administration for cancellation. Except as otherwise specifically provided in this Order or as otherwise especially authorized:

(1) For a period beginning on the effective date of this Order and ending January 22, 1979, respondent is denied all privileges of participating directly or indirectly, in any manner or capacity, in any transaction involving the export of commodities or technical data; domestic sales as defined below shall be permitted.

(2) For a further period beginning January 23, 1979, and ending March 22, 1979, respondent is denied all privileges of participating directly or indirectly, in any manner or capacity in any transaction involving the export of commodities or technical data requiring validated export licenses.

Respondent may not solicit new orders or enter into new negotiations with foreign customers during the period of denial except upon prior approval by the Director, Office of Export Administration or other authorized officer.

III. The denial of export privileges shall extend to respondent's agents, employees, or successors in interest. During the time when respondent is denied export privileges described herein, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the above mentioned acts, directly or indirectly, or carry on negotiations with respect thereto in any manner, or capacity, on behalf or in any association with respondent, may obtain any benefit therefrom, or have any interest or participation therein directly or indirectly.

IV. For the purpose of this Order the term "domestic sales" is defined to include sales or transfers where—

(1) Title, possession and control of the product or data pass in the United States to a purchaser other than a related party; and

(2) The purchaser is a domestic end user or is a United States exporter who is acting for his own account and in that transaction is not a broker, freight forwarder, or other party acting as an agent.

V. The respondent is conditionally restored to export privileges on March 22, 1979, *Subject,* however, to a period of probation ending December 22, 1980; the terms of probation are that the respondent shall fully comply with the Export Administration Act of 1969, as amended, and all regulations, licenses and orders issued thereunder.

VI. The provisions of 15 CFR 388.16 are applicable. The Director, Office of Export Administration, or other authorized officer, may revoke outstanding validated export licenses and deny export privileges for the remaining period of this Order upon a finding that respondent has failed to comply with the requirements and conditions of this Order. Such action may be taken without notice when national security or foreign policy considerations are involved. If a supplemental order should be issued because of breach of the terms and conditions herein it will contain the proscriptions of 15 CFR 387.10 and 388.1. A supplemental order will not preclude the Department of Commerce from taking further action in connection with any violation. Respondent will be permitted to file objection to a supplemental order, petition that the order be set aside, and may request an oral hearing in accordance with the pertinent Export Administration Regulations, 15 CFR 388.16; but proceedings under § 388.16 will not stay the order of revocation which order will remain in effect until otherwise modified or cancelled.

This order is effective immediately.

Dated: December 22, 1978.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc. 79-350 Filed 1-3-79; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

PACIFIC FISHERY MANAGEMENT COUNCIL, SCIENTIFIC AND STATISTICAL COMMITTEE, SALMON ADVISORY SUBPANEL AND PLAN DEVELOPMENT TEAM AND DUNGENESS CRAB ADVISORY SUBPANEL AND PLAN DEVELOPMENT TEAM

Public Meeting With Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council and its Scientific and Statistical Committee, Salmon and Dungeness Crab Advisory subpanels and Plan Development Teams will conduct a series of meetings.

DATES: February 6-9, 1979.

ADDRESS: The meetings will take place at the Seattle Hyatt House, 17001 Pacific Highway South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 SW Mill Street, Second floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

SUPPLEMENTAL INFORMATION: The Pacific Fishery Management Council was established by the Fishery Management Act of 1976 (Pub. L. 94-265), and the Council has established a Scientific and Satistical Committee, Salmon Advisory Subpanel and Plan Development Team and Dungeness Crab Advisory Subpanel and Plan Development Team to assist in carrying out its responsibilties.

Meeting Agendas follow:

Salmon Advisory Subpanel and Plan Development Team (open meeting) February 6, 1979 (1:00 p.m. to 5:00 p.m.) and February 7, 1979 (8:00 a.m. to 5:00 p.m.).

Agenda: Consideration of Amendments to the Ocean Salmon Plan for 1979.

Dungeness Crab Advisory Subpanel Team (open meetiang) February 7, 1979 (10:00 a.m. to 5:00 p.m.).

Agenda: Consideration of the first draft of the Dungeness Crab FMP.

Scientific and Statistical Committee (open meeting) February 6, 1979 (1:00

p.m. to 5:00 p.m.) February 7, 1979 (10:00 a.m. to 5:00 p.m.) February 8, 1979 (8:00 a.m. to 5:00 p.m.).

Agenda: Review of report on Economics of Charterboat Industry; review of Oregon State University Socio/Economic study on salmon fishery; review of report on coho salmon production; final recommendations for amendments to the Ocean Salmon Plan for 1979; development of FMPs: Comprehensive Salmon; Squid; Groundfish; Billfish; Dungeness Crab; Jack Mackerel; Pink Shrimp and Anchovy; operational and procedural matters of the Council, including advisory panel and management plan development team activities; public comment period beginning at 3:30 p.m. on February 7, 1979, and other committee business.

Council (partially closed meeting) February 8-9, 1979 (8:00 a.m. to 5:00 p.m.) on both days:

NOTE.—Meeting will be closed to the public from 8:00 a.m. to 10:00 a.m. on February 8, 1979.

Agenda: February 8, 1979 (8:00 a.m. to 10:00 a.m.) The closed session is being held to discuss classified material on the status of current maritime boundary and resource negotiations between the United States and Canada. Personnel matters, including appointments to possible vacancies on subpanels and teams, will be discussed. Only those Council members, SSC members and related staff having security clearances will be allowed to attend this closed session.

Agenda: February 8, 1979 Following the closed session, the rest of the meeting will be open to the public for consideration of the first draft of the Dungeness Crab FMP; consideration of the first draft of the Pink Shrimp FMP; consideraton of amendments to the Ocean Salmon Plan for 1979; status of other FMPs; review of communications from other agencies and organizations, and public comment period beginning at 4:00 p.m.

Agenda: February 9, 1979. Operational and procedural matters of the Council, including its staff, advisory panels, and committee activities; consideration of reports from ad hoc committees; review of communication from other agencies and organizations; and status of other FMPs.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined, on November 30, 1978 pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the act relating to open meetings and public participation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552B (c)(1) as information which is properly classified pursuant to Executive Order 11652, and disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce).

Dated: December 29, 1978.

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

[FR Doc. 79-349 Filed 1-3-79; 8:45 am]

[3510-22-M]

WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL; SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Scientific and Statistical Committee of the Western Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss the status of Fishery Management Plan for the spiny lobster, billfish and bottomfish fisheries.

DATES: The meeting will convene on Tuesday, January 9, 1979, at 9:00 a.m. and adjourn on Wednesday, January 10, 1979, at 5:00 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place in the Kepuhi room of the Sheraton Molokai Hotel, Molokai Island.

FOR FURTHER INFORMATION CONTACT:

Edwin K. Lee, Administrative Officer, Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

Dated: December 28, 1978.

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

[FR Doc. 79-319 Filed 1-3-79; 8:45 am]

[3510-26-M]

Office of the Secretary

METROPOLITAN STATISTICAL AREAS

Hearing on Second Proposal for Changes in Criteria for Designation and Definition

AGENCY: Office of Federal Statistical Policy and Standards, Department of Commerce.

ACTION: Notice of Hearing on Second Proposal for Changes in Criteria for Designation and Definition of Metropolitan Statistical Areas.

Notice is hereby given of a public hearing on the second proposal for revising the criteria for establishing the metropolitan statistical areas (formerly known as Standard Metropolitan Statistical Areas). This revised proposal has been prepared by the Federal Committee on Standard Metropolitan Statistical Areas following the period of public review and comment on the first proposal which was published in the FEDERAL REGISTER for June 22, 1978. The revised criteria proposal was published for public comment in Part V of the FEDERAL REGISTER for November 29, 1978, and in the November 1978 issue of the *Statistical Reporter.* Copies are also available from the Office of Federal Statistical Policy and Standards.

The morning hearing will be held at 9:30 a.m. on Tuesday, January 23, 1979, in the Freeholders Meeting Room, Middlesex County Administration Building, John F. Kennedy Square, New Brunswick, New Jersey. The afternoon hearing will be held at 2 p.m. in Conference Room C, 4th Floor, Gateway Building No. 1, Market Street and Penn Plaza, Newark, New Jersey. Persons wishing to be on the agenda should contact the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 673-7965 by January 19, 1979. Written statements may be presented in lieu of attendance at the hearing. Oral summaries of statements should be limited to 10 minutes.

COURTENAY M. SLATER,
Chief Economist for the Department of Commerce.

[FR Doc. 79-347 Filed 1-3-79; 8:45 am]

[3510-25-M]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

INDIA

Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products

DECEMBER 29, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products from India during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979.

SUMMARY: The Bilateral Cotton Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, establishes levels of restraint for certain cotton, wool and man-made fiber textile products in Categories 330-369, 431-469, and 630-669, as a group, and individual Categories 335, 336, 338/339/340, 341, 342, 347/348, 359 and 666. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit imports into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in Categories 330-369, 431-469, and 630-669, as a group, and individual Categories 335, 336, 338/339/340, 341, 342, 347/348, 359 and 666 to the designated amounts during the twelve-month period beginning on January 1, 1979. The levels for Categories 341 and 347/348 have been reduced to reflect carryforward used during the agreement year which began on January 1, 1978 in respective amounts of 120,727 dozen and 6,369 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, 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.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

DECEMBER 29, 1978.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in India, in excess of the indicated levels of restraint:

Category	Twelve-Month Level of Restraint
330-369, 431-469 and 630-669	37,881,210 square yards equivalent
335	16,949 dozen
342	39,326 dozen
359	152,174 pounds
666	256,410 pounds

However, apparel products in Categories 330-359, which are accompaned by an elephant-shaped certification, shall be permitted entry up to a level of 3 million dozen during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, and shall not be charged to the foregoing levels.

You are further directed to prohibit, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979, entry into the United States for consumpton and withdrawal from warehouse for consumption of cotton textile products in Categories 336, 338/339/340, 341, and 347/348, produced or manufactured in India, in excess of the following levels of restraint:

Category	Twelve-Month Level of Restraint
336	179,963 dozen
338/339/340	946,932 dozen
341	1,951,754 dozen
347/348	105,086 dozen

Cotton textile products in Categories 336, 338/339/340, 341 and 347/348 are also chargeable to the level of restraint established for Categories 330-369, 431-469 and 630-669, as a group, unless accompanied by an elephant-shaped certification in which case they shall be chargeable to the level of 3 million dozen established for apparel products in Categories 330-359.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in Categories 330-369, 431-469 and 630-669, as a group, and individual Categories 335, 336, 338/339/340, 341, 342, 347/348, 359 and 666, including products accompanied by the elephant-shaped certification, produced or manufactured in India and exported to the United States prior to January 1, 1979, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

With the exception of apparel products in Categories 330-349, which are accompanied by the elephant-shaped certification, the levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of December 30, 1977, as amended, between the Governments of the United States and India which provide, in part, that: (1) Within the aggregate, group limits may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carry forward, and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers and factors for converting equivalent square yards was published in the FEDERAL REGISTER on January 4, 1978 (43 F.R. 884), as amended on January 25, 1978 (43 F.R. 3421), March 3, 1978 (43 F.R. 8828), June 22, 1978 (43 F.R. 26773) and September 5, 1978 (43 F.R. 39408).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton, wool and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making 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. 79-348 Filed 1-3-79; 8:45 am]

[3510-25-M]

POLISH PEOPLE'S REPUBLIC

Increasing the Levels of Restraint for Certain Cotton and Wool Apparel Products Imported

AGENCY: Committee for the Implementation of textile Agreements.

ACTION: Increasing the levels of restraint established for certain cotton and wool apparel products in Categories 333, 335, 433 and 443/643/644 for the agreement year which began on January 1, 1978 by the application of flexibility.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408).)

SUMMARY: Paragraph 8 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 9 and January 12, 1978, as amended, between the Governments of the United States and the Polish People's Republic provides that specific ceilings may be increased by designated percentages for flexibility. Pursuant to the cited paragraph of the bilateral agreement, and at the request of the Government of the Polish People's Republic, the import restraint levels for categories 333, 335, 433, and 443/643/644 are being increased.

EFFECTIVE DATE: December 29, 1978

FOR FURTHER INFORMATION CONTACT:

Jane C. Bonds, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5423).

SUPPLEMENTARY INFORMATION: On March 22, 1978, a letter dated March 17, 1978 was published in the FEDERAL REGISTER (43 FR 11845) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established the levels of restraint applicable to certain specified categories of textile products which have been produced or manufactured in Poland and exported to the United States during the twelve-month period which began on January 1, 1978. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry of cotton and wool textile products in Categories 333, 335, 433 and 443/643/644, produced or manufactured in Poland, at the designated increased levels of restraint during the agreement year which began on January 1, 1978.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

DECEMBER 28, 1978.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On March 17, 1978, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Poland, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 9 and 12, 1978, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed; effective on December 29, 1978, to increase the twelve-month levels of restraint for Categories 333, 335, 433 and 443/643/644 to the following:

Category	Amended Twelve-Month Level of Restraint [1]
333	65,027 dozen
335	32,126 dozen
433	7,291 dozen
443/643/644	13,257 dozen

[1]The levels of restraint have not been adjusted to reflect any imports after December 31, 1977.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton and wool textile products from Poland 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 rule-making 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. 79-316 Filed 1-3-79; 8:45 am]

[1]The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 9 and 12, 1978, as amended, between the Governments of the United States and the Polish People's Republic which provides, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[3510-25-M]

REPUBLIC OF KOREA

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products

DECEMBER 28, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products imported from the Republic of Korea, effective on January 1, 1979.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, establishes levels of restraint for cotton, wool and man-made fiber textile products in Categories 314, 320, 331, 333/334/335, 340, 341, 347/348, 350, 410, 433/434, 438, 440, 442, 443, 444, 445/446, 447, 448, 459 (pt.), 605, 614, 627, 631, 633/634/635, 638/639, 640, 641, 643, 645/646, and 647, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period beginning on January 1, 1979. 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 entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories be limited to the designated twelve-month levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U. S. Department of Commerce, Washington, D.C. 20203 (202/377-5423).

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

DECEMBER 28, 1978.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories in excess of the indicated levels of restraint:

Category	Twelve-Month Level of Restraint
314	8,500,000 square yards
320	19,000,000 square yards
331	330,000 dozen pairs
333/334/335	81,531 dozen of which not more than 46,391 dozen shall be in Cat. 333/334 and not more than 47,370 dozen shall be in Cat. 335
340	143,910 dozen
341	89,655 dozen
347/348	214,533 dozen of which not more than 151,491 dozen shall be in Cat. 347 and not more than 116,675 dozen shall be in Cat. 348
350	19,608 dozen
410	2,850,000 square yards
433/434	16,362 dozen of which not more than 11,897 dozen shall be in Cat. 433 and not more than 6,102 dozen shall be in Cat. 434
438	44,111 dozen
440	201,999 dozen
442	1,852 dozen
443	26,704 dozen
444	3,829 dozen
445/446	49,420 dozen
447	79,000 dozen
448	7,611 dozen
459 [1]	2,850,000 pounds
605	3,428,571 pounds of which not more than 1,303,951 pounds shall be in T.S.U.S.A. 316.6020
614	3,000,000 square yards
627	384,615 pounds
631	516,086 dozen pairs
633/634/635	1,233,762 dozen of which not more than 157,698 dozen shall be in Cat. 333; not more than 726,452 dozen shall be in Cat. 634; and not more than 534,676 dozen shall be in Cat. 635
638/639	4,872,238 dozen
640 [2]	4,002,491 dozen
640 [3]	1,480,964 dozen
641	921,496 dozen
643	54,564 dozen
645/646	2,864,467 dozen
647	891,333 dozen

[1] In Category 459, only T.S.U.S.A. Numbers 700.7510 through 700.7560.

[2] In Category 640, only T.S.U.S.A. Numbers 380.0455, 380.8431 and 380.8433.

[3] In Category 640, all T.S.U.S.A. Numbers in the category except those listed in footnote 2.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, except Categories 320, 350, 442, 614, 627, and 631 produced or manufactured in the Republic of Korea, which have been exported to the United States prior to January 1, 1979, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Cotton, wool and man-made fiber textile products in Categories 320, 350, 442, 614, 627, and 631 which have been exported to the United States prior to January 1, 1979 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers and factors for converting equivalent square yards was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Impelementation 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. 79-317 Filed 1-3-79; 8:45 am]

[3510-25-M]

PEOPLE'S REPUBLIC OF CHINA

Soliciting Public Comment on Discussions Concerning Textile Products

On April 21, 1974, the Committee for the Implementation of Textile Agreements published a notice in the FEDERAL REGISTER (39 FR 13307) conveying the Committee's intention to announce, and solicit comment on, U.S. Government actions implementing the GATT Arrangement Regarding International Trade in Textiles and bilateral textile agreements entered into under its terms.

Pursuant to the terms of the Arrangement, the Government of the United States anticipates holding discussions with the Government of the People's Republic of China concerning cotton, wool and man-made fiber textile products exported to the United States from the People's Republic of China, beginning on January 22, 1979. Any party wishing to express a view or provide data or information with regard to the treatment of any product, or comment on production or availability of domestic textile products, is invited to submit such in ten copies to Mr. Robert E. Shepherd, Chairman of the Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3826, Washington, D.C. 20230.

Comments should be received no later than January 18, 1979.

Views, data or information submitted under this procedure will be available for public inspection in the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, and may be obtained upon written request. Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementa-

tion of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) relating to matters which constitute "a foreign affairs function of the United States."

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 79-539 Filed 1-3-79; 10:18 am]

[3710-08-M]

DEPARTMENT OF DEFENSE

Office of the Secretary

MILITARY TRAFFIC MANAGEMENT COMMAND; MILITARY PERSONAL PROPERTY SYMPOSIUM

Open Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on January 25, 1979, at the Springfield Hilton, Springfield, VA., and will convene at 0900 hours and adjourn at approximately 1500 hours.

PROPOSED AGENDA: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34-R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Moving and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT-PPM, Washington, DC 20315. Topics to be discussed should be received on or before January 18, 1979:

Dated: December 27, 1978.

DONALD H. MENSCH,
Colonel, GS,
Director of Personal Property.

[FR Doc. 79-351 Filed 1-3-79; 8:45 am]

[6740-02-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL78-27]

ALABAMA ELECTRIC COOPERATIVE, INC., ET AL., PETITIONERS V. ALABAMA POWER CO., RESPONDENT

Order Instituting Declaratory Relief Proceeding and Granting Motion for Consolidation

DECEMBER 27, 1978.

On May 23, 1978, the Alabama Electric Cooperative (AEC), nine Alabama distribution cooperatives (Cooperatives) [1] twelve Alabama municipalities (Municipalities) [2] and the Municipal Electric Utility Association of Alabama (MEUA) (collectively called Petitioners) petitioned this Commission for a declaratory order to terminate an actual controversy and remove an uncertainty concerning Alabama Power Company's (APC) application of its fuel adjustment clauses as it relates to the Petitioners' purchase of electric energy from APC. In addition, the Petitioners moved that this declaratory order proceeding be consolidated with the ongoing proceeding in Docket No. ER78-77. Notice of the petition for a declaratory order and the motion to consolidate was issued on June 30, 1978, with petitions or protests due no later than July 13, 1978.

PETITIONERS' CONTENTION

APC flows through its fuel adjustment clauses [3] certain costs associated with APC's purchases of energy from the Southern Company System Pool (Pool) pursuant to the Southern Company Intercompany Interchange Contract. [4] Petitioners assert that APC illegally billed Petitioners via its fuel adjustment clauses for certain non-economy purchased energy costs (fuel handling costs, and variable operation and maintenance expenses). According to Petitioners, Order No. 517 [5], Section 35.14 of the Commission's Regulations, and Commission precedent [6] preclude the flow-through of noneconomy purchased energy costs (*other than actual identifiable fossil and nuclear fuel costs*) unless such costs displace the purchaser's (APC) higher energy cost from its own generation.

Petitioners contend that this illegal flow through of purchased energy costs has allowed APC to collect $2,870,995.92 in excessive fuel adjustment charges for the month of August, 1977 alone. It is Petitioners' belief that APC will continue to flow through the excessive fuel adjustment charges whenever it purchases noneconomy energy from the Pool, unless the Commission issues a declaratory order.

ALABAMA POWER COMPANY'S ANSWER

In response to Petitioners' request for declaratory order and motion to consolidate, APC, on June 30, 1978, filed a document entitled "Alabama Power Company's Motion To Dismiss Petition For Declaratory Order, Answer And Opposition To Motion For Consolidation." In support thereof, APC makes several arguments, the most important of which are summarized as follows:

(1) That Section 35.14(a)(2)(iii) of the Commission's Regulations clearly permits APC to include the cost of energy which it purchases from the Pool "when such energy is purchased [as in this docket] on an economic dispatch basis."

(2) That the petition for a declaratory order is merely an attempt to "circumvent the clear and unambiguous terms of the fuel adjustment clauses agreed to by the parties in settlement of Docket No. ER76-659 which was approved by the Commission" effective October 1, 1976. As such, the Commission would not be able to revise those rates nor order refunds in light of the "filed rate doc-

[1] The nine distribution cooperatives are: Baldwin County Electric Membership Corporation, Central Alabama Electric Cooperative, Clarke-Washington Electric Membership Corporation, Coosa Valley Electric Cooperative, Inc., Dixie Electric Cooperative, Inc., Pea River Electric, Tallapoosa River Electric Cooperative, Inc., and Wiregrass Electric Cooperative, Inc. AEC is a nonprofit, membership electric cooperative, organized under Alabama law which has electric power generation and transmission facilities and which generally acts as power supply agent for its distribution cooperative members.

[2] The twelve municipalities or municipal utilities boards (all members of MEUA, which acts as their coordinating representative) are: Alexander City, Dothan, Fairhope, Utilities Board of City of Foley, Lafayette, Lanett, Luverne, Opelika, Piedmont, Utilities Board of City of Sylacauga, Troy, and Utilities Board of Tuskegee.

[3] In the past, APC has billed petitioners pursuant to several fuel adjustment clauses which are contained in separate rate schedules (FERC Electric Rate Schedule Nos. 133, REA-1, and MUN-1, applicable to AEC, Cooperatives and Municipalities respectively). *See,* Appendix A. Petitioners and APC agree that, despite minor differences, the clauses are identical for all relevant purposes.

[4] Southern Company Services, Inc. FERC Electric Rate Schedule No. 46.

[5] *See,* "Order Amending Section 35.14 of the Regulations under the Federal Power Act," 52 F.P.C. 1304 (1974), 18 C.F.R. 35.14 (1977).

[6] Order Instituting Investigation Under Federal Power Act (issued May 10, 1978 in *Investigation Into Wholesale Power Transactions During Line Of Fuel Inadequacies* FERC Docket No. ER78-367 (at p. 3); Opinion No. 809 issued July 6, 1977 in *Boston Edison Co.,* FPC Docket Nos. E-7738 and E-7784 (at pp. 13-15).

trine" [7] and the principle of "retroactive ratemaking." [8]

(3) The petition for a declaratory order is premature inasmuch as the issue of the misapplication of the fuel adjustment clauses is presently pending in Docket No. ER78-77.[9] (See Appendix A).

PETITIONERS' REPLY

On July 5, 1978, and July 6, 1978, the Municipalities and Cooperatives separately filed responses to APC's answer to the petition for declaratory order.[10] The Petitioners reiterate that APC's flow through of all of its purchased energy costs via its fuel adjustment clauses, merely because such purchased energy costs are being incurred on an "economic dispatch" basis, violates the intent of Order No. 517.

With respect to APC's "filed rate doctrine" and "retroactive ratemaking" defenses, Petitioners respond that they do not seek a revision or amendment of APC's fuel adjustment clauses since petitioners admit that these clauses as written are in compliance with the Regulations and Order No. 517. Rather, Petitioners argue that they are only seeking a determination that APC's *cost treatment* of energy purchased from the Pool is not in compliance with APC's fuel adjustment clauses or with Order No. 517.

Finally, Petitioners argue that they were not dilatory in raising the improper billing issue since they did not become aware of APC's improper billing of purchased energy costs before November 16, 1977.

DISCUSSION

We believe that the pleadings of all parties raise significant issues of fact which should be resolved in hearing in the ongoing ER78-77 proceeding. While the principle of "retroactive ratemaking" precludes the Commission from *changing the lawfully approved rates* in order to make reparations, it does not prevent the Commission from correcting past improper billing practices under the lawfully approved rates. It is the unvarying fuel clause formulas which constitute the rate and not the varying charges that result from the implementation of the formulas. *Virginia Electric and Power Company*, Docket No. ER76-415 (Order issued June 20, 1977), at 4, affirmed, *Virginia Electric and Power Company* v. *F.E.R.C.*, 580 F. 2d 710 (4th Cir. 1978).

The practical effect of granting a declaratory order would be to dispose summarily of the improper billing issue as it arises in ER78-77. This action would be proper only if there were no triable issues of fact in connection with this matter. However, we cannot conclude that there are no such triable issues. We believe that, at the very least, the following questions must be answered before the improper billing issue is ripe for a final Commission resolution:

(1) Did APC purchase energy from the Pool only to displace its own higher cost energy, or did APC purchase energy from the Pool at certain times when it did not have any self-generating capacity available to serve Petitioners?

(2) Who (APC or a central dispatching office of the Pool) determines whether a particular APC unit is available for generation for purchased energy purposes?

(3) Does the fact that the Pool dispatches energy to its affiliates (such as APC) on an "economic dispatch" basis indicate that all energy purchased from the Pool necessarily displaces higher cost energy generated by the purchasing affiliate?

(4) Did fuel clause base period fuel costs include purchase energy costs comparable to those subsequently included for current billing periods? This question applies separately to fuel clauses at issue in Docket Nos. E-8851 and ER76-659.

Accordingly, we shall direct the Administrative Law Judge to address these and other relevant issues in a declaratory relief proceeding and consolidate the proceeding with ER78-27 docket in which the same issue of APC's improper billing practices (from January 2, 1978 to present) is being litigated.

APC's initial adjustment clause which conformed to Order No. 517 became effective on April 19, 1975, subject to refund, in Docket No. E-8851. The declaratory relief inquiry into APC's billing practices under the Order No. 517 format is not required to consider time periods prior to April 19, 1975. Prior to Order No. 517, the filing requirements for the fuel adjustment clauses provided that the cost of fuel would include no items other than those in Account 151 of the Commission's Uniform System of Accounts. The present filing requirements for fuel adjustment clauses permit the inclusion of net energy cost of energy purchasers to be included in fuel cost when such energy is purchased on an "economic dispatch" basis.

The Commission orders:

(A) A declaratory relief proceeding is hereby instituted so that the answers to the questions posed in the body of the order may provide a factual predicate on which a declaratory order may be issued.

(B) Petitioner's request for a declaratory order to terminate an actual controversy and remove an uncertainty concerning APC's application of its fuel adjustment clauses is hereby deferred until a sufficient factual predicate has been developed.

(C) The Petitioner's motion for consolidation is granted.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*The Following Tabulation Shows the Effective Dates, Docket Numbers and Present Status of the Rate Filings Incorporating the Fuel and Purchased Power Adjustment Clauses.*

FPC or FERC Docket No.	Date rate made effective	Date rate was superseded	Status of proceeding
E-8851	Sept. 12, 1974	Oct. 1, 1976	Initial decision of administrative law judge issued; pending on exceptions before the Commission
ER76-659	Oct. 1, 1976	Jan. 2, 1978	Settlement agreement approved by the Commission by order dated Oct. 27, 1977.
ER78-77	Jan. 2, 1978		Pending for hearings before administrative law judge.

[FR Doc. 79-323 Filed 1-3-79; 8:45 am]

[7] Simply stated, the "filed rate doctrine" provides that: "Since all rates subject to the Commission's jurisdiction must be filed and filed rates cannot be changed except as provided (by § 824(c) and 824(d)), utilities must sell their energy at the filed rate." *Borough of Ellwood City* v. *Federal Energy Regulatory Commission*, No. 77-960 slip op. at 12 (3d Cir. filed August 8, 1978).

[8] The principle of "retroactive ratemaking" stands for the proposition that the Commission is without authority to order a utility to refund moneys properly collected under an approved rate even though a utility has over-collected costs pursuant to that approved rate. See, *e.g.*, *Montana-Dakota Utilities Co.* v. *Northwestern Public Service Co.*, 341 U.S. 246, 254 (1951) and *F.P.C.* v. *Sunray Oil Co.*, 391 U.S. 9, 24 (1968).

[9] APC questions why petitioners waited until May 23, 1978 to raise the improper billing issue when they could have raised that issue in several prior proceedings before this Commission. *See* Appendix A.

[10] For purposes of brevity, we shall consider the allegations raised separately by either the Cooperatives or Municipalities in their reply pleadings as allegations raised by all Petitioners.

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Order Approving Research, Development and Demonstration Clauses Related Rate Increases and Rejecting Surcharge Filing

DECEMBER 27, 1978.

In Opinion No. 30,[1] issued on September 21, 1978, in the above-referenced docket, the Commission approved the 1979 research, development and demonstration (RD&D) program of the Gas Research Institute (GRI). The Commission found that GRI's 1979 funding requirement of $39,700,000 is just and reasonable and that a 3.5 mills per Mcf General R&D Funding Unit was the appropriate payment to GRI by its members to collect this amount. Also, the Commission provided in Opinion No. 30 that jurisdictional members of GRI may collect the GRI funding unit by filing, if they have not already done so, appropriate R&D cost adjustment provisions which comply with Section 154.38 (d)(5)(v) of the Commission's regulations and the requirements stated in Ordering Paragraph (C) of Opinion 30. Finally, the Commission provided that collection of the 3.5 mills per MCF surcharge could commence on January 1, 1979.

Pursuant to these provisions of Opinion No. 30 the nineteen pipeline companies listed in Appendix A filed revised tariff sheets to collect the GRI funding unit. In addition, the companies propose other changes as described below.

The companies listed in Group (1) in Appendix B have eliminated from their base rates an increment to reflect the elimination of the funding of the American Gas Association (AGA) Utility Research and Coal Gasification Programs. This adjustment is required by Opinion 30. (See mimeo at 31) El Paso Natural Gas Company and Texas Gas Transmission Corporation have retained an increment in their base rates to recover payments to AGA which have not yet been fully recovered. This is consistent with ordering paragraph (B) of *Order Granting Rehearing* in this Docket RP78-76, issued November 22, 1978. Natural Gas Pipeline Company of America (Natural) requests permission to retain in its base rates costs which Natural had been paying to AGA for research projects which will be taken over by GRI but presents no justification to retain these amounts in its rates in accordance with our order issued November 22, 1978, in this proceeding. Natural states that the amounts involved are the subject of a downward adjustment in Natural's current settlement proceeding in Docket No. RP78-78, and the rates are currently in effect subject to refund. Natural's request shall be denied without prejudice, however, to allow Natural to refile its tariff sheets to reflect only those AGA cost in its base rates which Natural can demonstrate are permitted by the November 22, 1978, order. Natural's proposed treatment of the AGA costs is inconsistent with Opinion 30 and the pendency of its Section 4(e) filing does not eliminate Natural's obligation to remove the AGA costs from its base rates.

The three companies discussed above which are retaining AGA costs in their base rates are listed in Group (2) in Appendix B. The companies which had no AGA costs in their base rates are listed in Group (3) of Appendix B. Companies which filed only changes in transportation agreement rates are listed in Group (4) of Appendix B. Finally, three companies (see Appendix A footnotes) submitted amended filings to correct minor errors in previous filings. We shall accept the amended filings, rendering the previous filings moot and of no force and effect.

Our review of the GRI surcharge filings indicates that, with the exception of Natural, such charges are appropriate and properly reflect the Commission's instruction in Opinion 30. Accordingly, the GRI surcharges are approved and will be permitted to go into effect January 1, 1979.

The Commission finds:

(1) Good cause exists to approve the GRI surcharge tariff provisions filed pursuant to Opinion No. 30, subject to the exception below.

(2) Natural Gas Pipeline Company of Americas' proposed surcharge is inconsistent with the requirements of Opinion 30.

The Commission orders:

(A) The Commission hereby approves all GRI charges listed in Appendix A except for the charge proposed by Natural Gas Pipeline Company of America.

(B) Natural's proposed surcharge is rejected without prejudice, however, to allow Natural to refile tariff sheets to reflect only those AGA costs in its base rates which Natural can demonstrate are permitted by our November 22, 1978, order issued in this docket.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Opinion and Order Approving the Gas Research Institute's 1979 Research and Development Program.

APPENDIX A

Company Name	Volume No.	Sheet Nos.	Filed	Effective
Algonquin Gas Transmission Co	1st Revised Vol. No. 1	6th Revised Sheet No. 10-A and 46th Revised Sheet No. 10.	11/30/78	1/1/79
Columbus Gas Transmission Corp	Original Vol. No. 1	Forty-Eighth Revised Sheet No. 16	11/28/78	1/1/79
El Paso Natural Gas Company	Original Vol. No. 1	Substitute 23-Revised Sheet No. 3-B	12/1/78	1/1/79
	3rd Revised Vol. 2	Substitute 13th Sheet No. 1-D & Substitute 6th Revised Sheet No. 1-D.2.	12/1/78	1/1/79
	Original Vol. No. 2A	Substitute 15th Revised Sheet No. 1-C & Substitute 11th Revised Sheet No. 1-D.	12/1/78	1/1/79
Florida Gas Transmission Co	Original Vol. No. 1	Twentieth Revised Sheet No. 3-A	12/1/78	1/1/79
Great Lakes Gas Transmission Co	1st Revised Vol. No. 1	29th Revised Sheet No. 57	10/16/78	1/1/79
Kansas-Nebraska Natural Gas Co	3rd Revised Vol. No. 1	7th Revised Sheet No. 4	10/23/78	1/1/79
Kentucky-West Virginia Gas Co	1st Revised Vol. No. 1	Second Revised Sheet No. 8 & 10	11/30/78	1/1/79
Michigan Wisconsin Pipeline Co.[1]	2nd Revised Vol. No. 1	Substitute Twenty-Second Revised Sheet No. 27-F.	12/1/78	1/1/79
Mississippi River Transmission Corp	1st Revised Vol. No. 1	First Revised Sheet No. 3-C	11/30/78	1/1/79
Natural Gas Pipeline Co. of America	3rd Revised Vol. No. 1	Thirty-sixth Revised Sheet No. 5	11/16/78	1/1/79
Pacific Gas Transmission Co	Original Vol. No. 1	Second Revised Sheet No. 16	11/14/78	1/1/79
Panhandle Eastern Pipe Line Co	Original Vol. No. 1	Twenty-sixth Revised Sheet No. 3-A	11/22/78	1/1/79
Tennessee Gas Pipeline	9th Revised Vol. No. 1	First Revised Sheet No. 213P, 250B, 264H, 265C, 266I, 279D, 280D.	12/1/78	1/1/79
Texas Eastern Transmission Corp	4th Revised Vol. No. 1	Revised Substitute 45th Revised Sheet No. 14.	12/4/78	1/1/79
Texas Gas Transmission Corp.[2]	3rd Revised Vol. No. 1	Revised Second Substitute 24th Revised Sheet No. 7.	11/29/78	1/1/79

[1] Filed in substitution for 22nd Revised Sheet No. 27F (filed 11/16/78) to correct technical error.
[2] Filed in substitution for 2nd Substitute Twenty-fourth Revised Sheet No. 7 (filed 11/14/78) to reflect settlement base tariff rates approved by the Commission November 17, 1978 in Docket No. RP77-139.

TRANSCONTINENTAL GAS PIPELINE CORP.

Second Revised Volume No. 1:
Eleventh Revised Sheet No. 12
First Revised Sheet No. 13
Tenth Revised Sheet No. 15
First Revised Sheet No. 252
Original Volume No. 2
Twenty-Fifth Revised Sheet No. 52
Seventh Revised Sheet No. 53
Seventeenth Revised Sheet No. 121
Twenty-First Revised Sheet No. 321
Ninth Revised Sheet No. 351
Eighteenth Revised Sheet No. 416
Second Revised Sheet No. 499
Fourth Revised Sheet No. 637
Fourth Revised Sheet No. 670
Third Revised Sheet No. 745
Third Revised Sheet No. 755
Fourth Revised Sheet No. 761
Third Revised Sheet No. 766
Third Revised Sheet No. 788
Third Revised Sheet No. 795
Third Revised Sheet No. 843
Third Revised Sheet No. 884
Third Revised Sheet No. 912
Third Revised Sheet No. 961
Third Revised Sheet No. 967
Fourth Revised Sheet No. 973
Fourth Revised Sheet No. 979
Third Revised Sheet No. 991
Fourth Revised Sheet No. 996
Third Revised Sheet No. 1014
Fourth Revised Sheet No. 1028
Third Revised Sheet No. 1037
Third Revised Sheet No. 1042
Second Revised Sheet No. 1202
Third Revised Sheet No. 1210
Second Revised Sheet No. 1238
Third Revised Sheet No. 1243
Second Revised Sheet No. 1251
Second Revised Sheet No. 1257
Second Revised Sheet No. 1265
Third Revised Sheet No. 1272
Second Revised Sheet No. 1278
Third Revised Sheet No. 1286
Second Revised Sheet No. 1291
Third Revised Sheet No. 1298
Second Revised Sheet No. 1321
Second Revised Sheet No. 1343
Second Revised Sheet No. 1350
Second Revised Sheet No. 1363
Second Revised Sheet No. 1370
Second Revised Sheet No. 1377
Third Revised Sheet No. 1400
Third Revised Sheet No. 1407
Third Revised Sheet No. 1414
Filed
December 1, 1978
Effective
January 1, 1979

Company Name	Volume No.	Sheet Nos.	Filed	Effective
Transwestern Pipeline Co	2nd Revised Vol. No. 1	Revised 10th Revised Sheet No. 5	12/4/78	1/1/79
Trunkline Gas Company [2]	Original Vol. No. 1	Substitute 24th Revised Sheet No. 3-A	11/29/78	1/1/79
United Gas Pipeline Co	Original Vol. No. 2	Ninth Revised Sheet No. 187 & Third Revised Sheet No. 397-401, 407, 909, and Fourth Revised Sheet No. 957 and Second Revised Sheet No. 1158.	11/23/78	1/1/79

[2] Filed in substitution for Twenty-fourth Revised Sheet No. 3-A (filed 11/22/78) to correct typographical error.

[FR Doc. 79-322 Filed 1-3-79; 8:45 am]

[6740-02-M]

[Docket No. ER79-108]

INDIANA & MICHIGAN ELECTRIC CO.

Filing

DECEMBER 27, 1978.

Take notice that American Electric Power Service Corporation (AEP) on December 14, 1978, tendered for filing on behalf of its affiliate, Indiana and Michigan Electric Company (Indiana & Michigan), Amendment No. 14 dated October 1, 1978 to the Operating Agreement dated March 1, 1966, among Indiana & Michigan, Consumers Power Company and the Detroit Edison Company (Michigan Companies), designated Indiana & Michigan Rate Schedule FERC No. 68.

AEP states that Section 1 of Amendment No. 14 provides for an increase in the demand charge for Short Term Power from $0.60 to $0.70 per kilowatt per week and Section 3 provides for an increase in the demand charge for Limited Term Power from $3.25 to $3.75 per kilowatt per month. AEP further states that Section 2 of Amendment No. 14 provides for an increase in the transmission charge for third party Short Term Power transactions from $0.15 per kilowatt per week to $0.175 per kilowatt per week and Section 4 provides for an increase in the transmission charge for third party Limited Term transaction from $0.65 per kilowatt per month to $0.75 per kilowatt per month, both schedules proposed to become effective December 1, 1978. AEP indicates that since the use of Short Term Limited term power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Amendment.

AEP proposes an effective date of December 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Public Service Commission of Indiana and the Michigan Public Service Commission, according to AEP.

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, N.E. Washington, D.C. 20426, in accordance with § 1.8, 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 January 12, 1979. 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. 79-324 Filed 1-3-79; 8:45 am]

[6740-02-M]

[Docket No. CP79-106]

McCULLOCH INTERSTATE GAS CORP.

Application

DECEMBER 26, 1978.

Take notice that on December 8, 1978, McCulloch Interstate Gas Corporation (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed an application in Docket No. CP79-106 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sales of natural gas for resale in interstate commerce to McCulloch Gas Transmission Company (MGT), all as more fully set forth in the appli-

cation on file with the Commission and open to public inspection.

On November 8, 1978, the Commission issued an order in Docket Nos. CP77-1, et al., requiring Applicant to apply for certificate authority to continue sales of natural gas for resale in interstate commerce to MGT. Accordingly, the instant filing is Applicant's attempt to comply with such requirement.

The authority requested involves a contract between Applicant and MGT dated February 1, 1970, as amended, under which MGT would purchase volumes totaling approximately 8,500 Mcf of gas per day from Applicant. The sales would be made under Applicant's FERC Gas Tariff, sheet No. 88, Original Volume No. #1, which provides for a currently effective tariff rate of $1.3979 per MMBtu.

Applicant requests that the certificate authority be for a limited term, to expire if and when the Commission grants the abandonment proposed by Applicant in the proceeding pending in Docket No. 77-1, *et al.*

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1979, 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 or its designee 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. 79-325 Filed 1-3-79; 8:45 am]

[6740-02-M]

[Docket No. ER78-511]

PUBLIC SERVICE CO. OF OKLAHOMA

Order Granting Motion for Permission To Collect Settlement Rates in Lieu of Filed Rates

DECEMBER 27, 1978.

On December 12, 1978, the Public Service Company of Oklahoma (PSO) filed a Motion For An Order Granting Leave To Collect Settlement Rates In Lieu Of Filed Rates with this Commission in the above-docketed proceeding.

On July 28, 1978, PSO filed a general rate increase for its jurisdictional customers. On October 12, 1978, this Commission suspended the effective date of the proposed rate increase until January 1, 1979. That order also accepted PSO's rates for filing, granted intervention to certain intervenors, established procedures, and made summary disposition of certain issues in this proceeding. The Company contends that the summary disposition in our order of October 12, 1978, had the effect of reducing the annual revenue increase from one yielding approximately $3,009,446 to one yielding approximately $2,839,177. The Company's motion designated the rates filed on July 28, 1978, as the proposed rates, while it designated the subsequent filing made necessary by our summary disposition as the revised proposed rates. These revised proposed rates were filed on November 3, 1978. Subsequent to this action, the Company and its intervenor customers executed a Stipulation and Agreement in this proceeding which was filed with the Commission on December 6, 1978, for approval. This filing will be referred to henceforth as the settlement agreement. The Settlement Agreement contains revised and lowered rates as opposed to the originally filed proposed rates and subsequently filed revised proposed rates. No Commission action has been taken on the settlement agreement now on file. PSO does not want to collect the higher revised proposed rates from January 1, 1979, until the Commission approval of the settlement, and is aware of the possibility that the settlement agreement will not be approved by the Commission before the effective date of the revised proposed rates. Therefore, PSO has filed this motion to allow the substitution of the lower settlement rates for a period of up to six months so that the Commission may complete its consideration of the settlement agreement. The Company cites as authority the Commission's order in Illinois Power Company, Docket No. ER77-531, issued July 25, 1978. The facts in the Illinois Power Company proceeding are quite similar to the facts and relief sought by PSO in the instant proceeding with the exception that the Illinois Power Company did not seek a six month effective collection period as PSO now requests.

The Company further notes that collection of the settlement rates would result in a substantially lower level of collections subject to refund from its jurisdictional customers than would collection of the revised proposed rates which would otherwise go into effect on January 1, 1979. PSO states that collections from its jurisdictional customers under the settlement rates would be $1,406,394.88 annually, in lieu of the $2,839,177 which would be collected under the revised proposed rates.

Examination of the Illinois Power Company order reveals that Illinois Power filed a Motion For An Order Granting Leave To Collect A Rate Level Different From That Provided In A Filed Rate Schedule. Illinois Power proposed to charge its customers the amount that it would recover under the terms of a settlement offer made to the customers pending a resolution of the issues by settlement or decision by the Commission.

In the last of a series of orders, the Commission on July 25, 1978, granted Illinois Power the limited authority to collect the lower rate during the pendency of the rate proceeding, with the proviso that if the Commission ultimately determined that something more than the settlement figure was the lawful rate, Illinois Power would be able to collect the higher amount *prospectively* only.

Our decision in the Illinois Power Company order on rehearing should be applied to the instant PSO motion. However, PSO presents one new issue which must be considered. The Company seeks permission to collect the settlement rates until July 1, 1979, or until the Commission approves the proposed settlement or enters a final order approving rates in this proceeding, whichever occurs first. If, at the end of six months, the settlement had not been approved, then PSO would begin to collect the revised proposed rates in lieu of the settlement rates.

The favorable response to this motion on the part of all jurisdictional customers and the Staff,[1] coupled with consideration of all the facts con-

[1] The Commission received telegrams from counsel for all municipal and cooperative customers and counsel for Southwestern Power Administration on December 19, 1978, in support of PSO's motion.

cerned in this motion lead us to the conclusion that it is in the public interest to agree to the collection of the proposed settlement rates for up to six months as requested by the Company. No matter what the final result is in this case, the customer would benefit by being charged the lower settlement rate as opposed to the higher proposed revised rates for six months. Both the settlement rate and the proposed revised rates shall be charged subject to refund upon final Commission action.

The Commission finds:

(1) Good cause exists to grant Public Service Company of Oklahoma's Motion.

(2) The proposed settlement rates should be designated for filing and suspended subject to refund. The 60-day notice requirement should be waived pursuant to Section 35.11 of the Commission's regulations.

(3) Good cause exists to grant special permission to change suspended rates during the period of suspension pursuant to Section 35.17(b) of the Commission's regulations.

The Commission orders:

(A) The Public Service Company of Oklahoma's Motion is hereby granted.

(B) The proposed settlement rates filed in the instant motion are accepted for filing and suspended to become effective on January 1, 1979, subject to refund. The 60-day notice requirement is hereby waived pursuant to Section 35.11 of the Commission's regulations. The proposed settlement rates are hereby designated as shown on Attachment A.

(C) Good cause being shown, permission is granted to change the suspended rate in this proceeding during the period of suspension pursuant to Section 35.17(b) of the Commission regulations.

(D) Beginning with the effective date of January 1, 1979, Public Service Company of Oklahoma is hereby authorized to collect the proposed settlement rates, which will allow it an increase of $1,406,394.88 annually, for six months only beginning on the effective date, unless the proposed settlement now before the Commission is accepted, or the Commission otherwise enters a final order approving rates in this docket prior to July 1, 1979. If the proposed settlement is not accepted or the docket has not been finally determined on July 1, 1979, then the proposed revised rates shall become effective thereafter until the Commission enters a final order approving the rates in this docket. All rates collected pursuant to this order shall be subject to refund.

(E) Public Service Company of Oklahoma shall not be entitled to collect other than prospectively any rate greater than the proposed settlement rate or the proposed revised rate, whichever is or has been in effect, in the event that the Commission ultimately determines that such higher rate is the just and reasonable rate.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A—*Public Service Company of Oklahoma, Docket No. ER78-511*

Dated: Undated.
Filed: December 12, 1978.

Supplement No.	Supersedes Supp. No.	FPC Rate Schedule No.	Customer
5	4	168	City of Altus.
5	4	169	City of Frederick.
5	4	170	City of New Cordell.
5	4	171	City of Kaw City.
5	4	188	Anadarko Pub. Works Authority.
3	2	189	City of South Coffeyville.
4	3	190	City of Marlow.
5	4	192	City of Pawhuska.
5	4	193	City of Hominy.
5	4	195	City of Copan.
4	3	197	Western Farmers Electric Cooperative.
4	3	198	KAMO Electric Coop. Inc.
4	3	199	Town of Manitou.
4	3	200	City of Walters.
4	3	201	Town of Granite.
4	3	202	Town of Eldorado.
4	3	203	Town of Olustee.
4	3	204	City of Comanche.
4	3	205	Town of Ryan.
4	3	206	City of Wetumka.
4	3	207	City of Duncan.
2	1	196	Southwestern Power Admin.

[FR Doc. 79-321 Filed 1-3-79; 8:45 am]

[6740-02-M]

[Docket No. CP79-118]

UNITED GAS PIPE LINE CO.

Application

DECEMBER 27, 1978.

Take notice that on December 13, 1978, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP79-118 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 1,000 Mcf of natural gas per day for Trunkline Gas Company (Trunkline), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Trunkline has acquired the right to purchase up to 1,000 Mcf of natural gas per day from onshore production in Bossier Parish, Louisiana, attributable to the interests of Anadarko Production Company and Pan Eastern Exploration Company. It is further indicated that on October 24, 1978, Applicant and Trunkline entered into a transportation agreement whereby Trunkline would deliver or cause to be delivered up to 1,000 Mcf of the natural gas per day to Applicant for the account of Trunkline at the outlet side of a measuring and regulating station to be constructed by Applicant at Trunkline's expense at a mutually agreeable point on Applicant's existing 10-inch Latex-Sarepta pipeline in Bossier Parish. Applicant states that it would redeliver equivalent volumes of gas to Trunkline, at the tailgate of Exxon's Garden City Plant in St. Mary Parish, Louisiana, pursuant to the terms of the agreement.

Applicant indicates that it would charge Trunkline for the proposed transportation service an amount per Mcf equal to 75 percent of its average jurisdiction transmission cost of service in effect from time to time in Applicant's Northern Rate Zone as such may be determined by Applicant based on rate filings made from time to time with the Commission. The current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in Applicant's operation is 24.46 cents per Mcf in Applicant's Northern Rate Zone, it is said.

Any person desiring to be heard or to make any protest with reference to

said application should on or before January 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 10426, a petition to intervene or a protest in accordance with the requirements of the Commisson'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 Commision 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 or its designee 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. It a petition for leave to intervene is timely filed, or if the Commision 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. 79-326 Filed 1-3-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1033-5; OPP-180255]

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Issuance of Specific Exemption To Use Methiocarb To Control Snails on Artichokes

The Environmental Protection Agency (EPA) has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use Mesurol (methiocarb) on 11,000 acres of artichokes in California. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, due to unusually wet weather conditions, extremely high populations of brown garden snails have developed in the coastal artichoke acreage. Many of the snails remain on the plant rather than descending to the ground. Therefore, according to the Applicant, to achieve control of the pest, the artichoke plant itself must be treated and not just the surrounding soil.

The Applicant states that at the current rate of increase in snail populations, damage to the 11,000 acres of artichokes in California could result in a total loss of this crop. The total approximate value of these artichoke plantings is $15,300,000.

Metaldehyde in granular form is registered for control of snails in crop plantings; however, the Applicant states that it is suitable only for application to the ground surrounding the plant, and not the plant itself. Furthermore, according to the Applicant, metaldehyde is not efficacious when the population level is high. Earlier this year the Applicant issued a special local need registration for use of methiocarb granules around the artichoke plants to help reduce population levels. While the pesticide was effective for this use, damaging populations are still present on the plants themselves. The proposed pesticide (Mesurol 75WP) allows for treatment of the plants.

The Applicant proposes to use Mesurol 75WP at a rate of one and one-third pounds product per acre. A maximum of five applications will be made using ground equipment, by or under the supervision of State-certified applicators. There will be a field reentry safety interval of 24 hours and a preharvest interval of seven days.

EPA has determined that as a result of this use, residues of methiocarb and its metabolites are not expected to exceed 3 parts per million (ppm). This level is deemed adequate to protect the public health.

This pesticide is toxic to fish and aquatic invertebrates; however, since applications are to be made directly to the artichoke plants, and if care is taken to prevent significant drift to water sources, no hazard to aquatic life is expected. There are no endangered or threatened species that would be adversely affected as a result of this use.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of snails has occurred; (b) there is no effective pesticide presently registered and available for use to control snails in California; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the snails are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1978. The specific exemption is also subject to the following conditions:

1. A total of 55,000 pounds active ingredient of the product Mesurol 75WP may be used at a dosage rate of one and one-third pounds product per acre;

2. A maximum of five applications may be made on a maximum of 11,000 acres;

3. Application may be made by ground equipment;

4. All applications will be made by or under the supervision of State-certified applicators;

5. The Applicant is responsible for ensuring that all of the provisions of this specific exemption are adhered to and must submit a report summarizing the results of this program by June 30, 1979;

6. This product is toxic to fish. It must be applied with care in areas adjacent to any body of water;

7. All applicable directions, restrictions, and precautions on the label must be followed;

8. The EPA shall be immediately informed of any adverse effects resulting from the use of Mesurol in connection with this exemption;

9. Artichokes with residues of methiocarb that do not exceed 3 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action; and

10. A seven-day pre-harvest interval will be observed.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136).))

Dated: December 22, 1978.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-302 Filed 1-3-79; 8:45 am]

[6560-01-M]

[FRL 1033-4; OPP-180251]

CALIFORNIA, COLORADO, MICHIGAN, NEW YORK, OREGON, PENNSYLVANIA, UTAH, AND WASHINGTON

Issuance of Specific Exemptions To Use Pydrin To Control Pear Psylla in Eight States

The Environmental Protection Agency (EPA) has granted specific exemptions to the Departments of Agriculture in Colorado, Michigan, Oregon, Pennsylvania, Utah, and Washington, the California Department of Food and Agriculture, and the New York Department of Environmental Conservation (hereafter referred to collectively as the "Applicants" or individually by State) to use Pydrin to control Pear Psylla on a total of 97,336 acres of pears. These exemptions were granted in accordance with, and are subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the applications on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicants, pear psylla is a very serious and difficult pest to control. The insect has three distinct developmental forms: the egg, the nymph, and the adult. In addition to a spring generation, there are three to five summer generations of this pest. Adults of the final summer generation are referred to as the over-wintering adults; they survive the winter in cracks and crevices of the bark and buds of pear and other trees. Although adults may be found on many different hosts, development of the immature insect occurs only on pears. Pear psylla causes serious damage, such as pear decline, decreased tree vitality, leaf blackening and leaf drop, tree death, fruit russeting, and reduced fruit size.

According to the Applicants, chemical control of pear psylla begins well before the growing season. In most orchards both a dormant and delayed-dormant (pre-bloom) spray of superior oil plus an insecticide(s) are applied to kill over-wintering adult psylla before they lay their eggs. Because there is little dispersal of pear psylla during the summer months, an effective dormant treatment is extremely important to reduce future summer populations. During the last ten years, perthane and endosulfan have been used in the pre-bloom program to reduce adult psylla populations; however, the Applicants stated that these chemicals have lost their effectiveness in controlling over-wintering adults. For example, endosulfan seems to be effective only during the early nymphal stages; pear psylla have also developed resistance to organophosphates. Therefore, according to the Applicants, the current problem is the unavailability of an efficacious pesticide to control the pest during the summer growing season. The problem has been intensified by the withdrawal of chlordimeform from the market; this pesticide had previously been effective in providing control during this season. Although chlordimeform is still registered for the proposed use, it was not available to pear growers last year and will be unavailable again this year.

The Applicants proposed to use Pydrin 2.4 E.C., manufactured by Shell Chemical Company, which contains cyano (3-phenoxyphenyl) methyl-4-chloro-alpha (1-methylethyl) benzeneacetate. Applications will be made by air and ground in all eight States except Utah, where application will be made by ground only, at a rate of up to 0.4 pound active ingredient (a.i.) per acre. A maximum of two applications will be made in all States except Colorado which will make a third application. Pydrin will be applied during the dormant to pre-bloom stages of pear tree development in all States except California, Colorado, and Michigan. California and Michigan will make their two applications during the post-harvest to pre-bloom stages, and Colorado will make its third application post-harvest next fall. Spray mixtures of Pydrin and oil will be applied in Colorado and Washington. Colorado, Michigan, New York, Pennsylvania, and Washington will treat pears that are interplanted with apples. The Applicants anticipate losses valued at over $26 million if Pydrin is not used to control pear psylla.

EPA has determined that the proposed use of Pydrin should not result in residue levels exceeding 0.01 part per million (ppm) in or on pears or apples. Secondary residues in meat, fat, and meat byproducts should not exceed the established 0.02 ppm temporary tolerances provided cover crops grown in treated orchards are not fed to livestock. These residue levels have been deemed adequate to protect the public health. After consultation with the Fish and Wildlife Service, U.S. Department of the Interior, EPA has concluded that the proposed use of Pydrin is not likely to jeopardize the continued existence of endangered species or adversely modify their critical habitats.

After reviewing the applications and other available information, EPA has determined that (a) pest outbreaks of pear psylla have occurred; (b) there is no effective pesticide presently registered and available for use to control the pear psylla in the eight States; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, all the Applicants except Colorado have been granted specific exemptions to use the pesticide noted above until June 30, 1979; Colorado may use Pydrin until October 30, 1979. The specific exemptions are also subject to the following conditions:

1. Pydrin may be applied at a rate of up to 0.4 pound active ingredient per acre per application;

2. In California and Michigan, a maximum of two applications may be made during the post-harvest to the pre-bloom stages of pear tree development; in Colorado, a maximum of three applications may be made: two from the dormant to the pre-bloom stages of pear tree development, and a single post-harvest application may be applied in 1979. In the five other States, a maximum of two applications may be made, limited to the dormant to the pre-bloom stages of pear tree development;

3. Applications may be made with ground equipment or by aircraft in all States except Utah, where application may be made with ground equipment;

4. Spray mixture volumes of 3 to 20 gallons will be applied by all States using aircraft. In Colorado, Michigan, New York, Pennsylvania, and Washington, spray mixture volumes of 3 to 400 gallons will be applied by ground equipment. In California, Oregon, and Utah spray mixture volumes of 25 to 400 gallons will be applied by ground equipment. In Colorado and Washington, Pydrin may be applied in combination with water or a superior type oil;

5. The following maximum acreage may be treated in each State:

California—37,000 acres
Colorado—600 acres
Michigan—4,500 acres
New York—4,282 acres
Oregon—23,500 acres
Pennsylvania—750 acres
Utah—704 acres
Washington—26,000 acres

6. In Colorado, Michigan, New York, Pennsylvania, and Washington, pear orchards which are interplanted with apples may be treated as specified above, provided applications are made during the post-harvest to the pre-bloom stages of development of both apple and pear trees;

7. All applications will be limited to commercial orchards;

8. All applications will be made by State-certified private or commercial applicators;

9. Precautions will be taken to avoid spray drift to non-target areas;

10. Pydrin is extremely toxic to fish and aquatic invertebrates. Care will be used when applying it in areas adjacent to any body of water. There will be no applications when weather conditions favor run-off or drift. Pydrin will be kept out of lakes, streams, and ponds. Contamination of water caused by cleaning of equipment or disposal of wastes is to be avoided;

11. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied, or allowed to drift, to weeds in bloom on which an economically significant number of bees are actively foraging. Each State's Cooperative Agricultural Extension Service will provide information on protection of bees;

12. Pears and apples with residue levels of Pydrin not exceeding 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. The feeding or grazing of orchard cover crops is prohibited;

14. All applicable directions, restrictions, and precautions on the product label must be followed;

15. Each State is responsible for assuring that all of the provisions of its specific exemption are met and must submit a report summarizing the results of its program by August 31, 1979, except Colorado which has until November 15, 1979 to submit its report; and

16. The EPA shall be immediately informed of any adverse effects resulting from the use of Pydrin in connection with the exemptions.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: December 22, 1978.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-301 Filed 1-3-79; 8:45 am]

[6560-01-M]

[FRL 1033-8]

HOUSTON AIR QUALITY STUDIES

Public Meeting

The Environmental Protection Agency, Region 6, will hold a public meeting Thursday, January 25, 1979 at 7:30 p.m. at the Holiday Inn—Medical Center, 6701 South Main, Houston, Texas.

The purpose of the meeting is to discuss the progress of present studies regarding the quality of the air in Houston. Public comment and information are an integral part of the process of developing plans to improve air quality in the area. The public is urged to take part in the meeting which will be in the Tanglewood Room.

A report will be presented on a research study plan which is being developed by Radian Corporation.

In addition, a preliminary report will be presented on field work conducted in the Houston area during 1978. The research includes a stratospheric ozone intrusion study, a study of aerosol composition and an ozone study for modelling purposes.

A third report will cover the status of a research study examining the relationship between air quality and the performance of athletes in running events. EPA is in the final stages of negotiating a contract for this study.

Persons wishing to comment at the meeting are asked to contact Mark Satterwhite, U.S. Environmental Protection Agency, Office of Public Awareness, 1201 Elm Street, Dallas, Texas 75270 (214) 767-2630.

In addition, attendees wishing to comment may register at the meeting and will be heard as time permits.

Dated: December 21, 1978.

ADLENE HARRISON,
Regional Administrator.

[FR Doc. 79-300 Filed 1-3-79; 8:45 am]

[6174-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION

[Reg. Z]

TRUTH IN LENDING

Joint Notice of Statement of Enforcement Policy

CROSS REFERENCE: For a notice of statement of enforcement policy regarding truth in lending, Regulation Z, issued jointly by 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, see FR Doc. 79-340 in the "Notices" section of this issue. Refer to the table of contents under "Federal Reserve Board" for the correct page number.

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[Reg. Z]

TRUTH IN LENDING

Joint Notice of Statement of Enforcement Policy

CROSS REFERENCE: For a notice of statement of enforcement policy regarding truth in lending, Regulation Z, issued jointly by 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, see FR Doc. 79-340 in the "Notices" section of this issue. Refer to the table of contents under "Federal Reserve Board" for the correct page number.

[6210-01-M]

FEDERAL RESERVE SYSTEM

CITIZENS BANCORPORATION

Formation of Bank Holding Company

Citizens Bancorporation, Charles City, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87.9 percent of the voting shares of The Citizens National Bank of Charles City, Charles City, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than January 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-332 Filed 1-3-79; 8:45 am]

[6210-01-M]

ELSIE, INC.

Formation of Bank Holding Company

Elsie, Inc., Elsie, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of Commercial State Bank, Elsie, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 18, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 27, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-333 Filed 1-3-79; 8:45 am]

[6210-01-M]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of November 21, 1978

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on November 21, 1978.[1]

The information reviewed at this meeting suggests that in the current quarter real output of goods and services is continuing to grow moderately. In October industrial production expanded further, nonfarm payroll employment rose considerably, and the unemployment rate declined from 6.0 to 5.8 per cent. Following 2 months of gains, the dollar value of total retail sales declined somewhat to a level slightly above the average in the third quarter. Average producer prices of finished goods rose substantially in October, as in September, in part because of further large increases in prices of foods. The advance in the index of average hourly earnings has been somewhat faster so far in 1978 than it was on the average during 1977. In late October the Government announced a new program aimed at moderating increases in prices and wages.

On November 1 a broad program to strengthen the dollar in foreign exchange markets and thereby to counter continuing domestic inflationary pressures was announced. The program included an increase in Federal Reserve discount rates from 8½ to 9½ per cent, establishment of a supplementary reserve requirement of 2 per cent against member bank time deposits in denominations of $100,000 or more, increases in Federal Reserve reciprocal currency arrangements with certain central banks, and other measures to mobilize key foreign currencies.

The trade-weighted value of the dolloar against major foreign currencies declined rapidly during the last week of October, but following the actions taken to strengthen the dollar, it rose sharply to a level somewhat above that in early October. The U.S. trade deficit was about the same in the third quarter as in the second quarter.

Growth in M-1, which had been rapid in August and September, slowed markedly in October, and growth in M-2 and M-3 also moderated. Inflows of the interest-bearing deposits included in the broader aggregates slowed somewhat, although sales of 6-month money market certificates at both commercial banks and nonbank thrift institutions expanded to record levels. Short-term market interest rates have risen substantially further since mid-October. Bond rates also have increased on balance, although they have declined appreciably since November 1; mortgage interest rates have continued to rise.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster monetary and financial conditions that will resist inflationary pressures while encouraging continued moderate economic expansion and contributing to a substainable pattern of international transactions. At its meeting on October 17, 1978, in setting ranges for the monetary aggregates, the Committee recognized the uncertainties concerning the effects that the November 1 introduction of the automatic transfer service (ATS) would have on measures of the money supply, especially M-1. Against that background, the Committee agreed that appropriate monetary and financial conditions would be furthered by growth of M-2 and M-3 from the third quarter of 1978 to the third quarter of 1979 within ranges of 6½ to 9 per cent and 7½ to 10 per cent, respectively. The narrowly defined money supply (M-1) was expected to grow within a range of 2 to 6 per cent over the period, depending in part on the speed and extent of transfers from demand to savings deposits resulting from the introduction of ATS. The associated range for bank credit is 8½ to 11½ per cent. Growth of M-1+(M-1 plus savings deposits at commercial banks and NOW accounts) in a range of 5 to 7½ per cent was thought to be generally consistent with the ranges of growth for the foregoing aggregates. These ranges are subject to reconsideration at any time as conditions warrant.

In the short run, the Committee seeks to achieve bank reserve and money market conditions that are broadly consistent with the longer-run ranges for monetary aggregates cited above, while giving due regard to the program for supporting the foreign exchange value of the dollar, to developing conditions in domestic financial markets, and to uncertainties associated with the introduction of ATS. Early in the period before the next regular meeting, System open market operations are to be directed at attaining a weekly average Federal funds rate slightly above the current level. Subsequently, operations shall be directed at maintaining the weekly average Federal funds rate within the range of 9¾ to 10 per cent. In deciding on the specific objective for the Federal funds rate, the Manager is to be guided mainly by a range of tolerance for the annual rate of growth over the November-December period of 6 to 9½ per cent in M-2, provided that the rate of growth in M-1 does not appear to exceed 5 per cent.

The objective for the funds rate is to be raised or lowered within its range if the rate of growth of M-2 appears to be close to or beyond the upper or lower limit of its range. Weight is to be given to M-1 if it appears to be growing at a rate close to or above its limit.

If the rates of growth in the aggregates appear to be falling outside the limits of the indicated ranges at a time when the objective for the funds rate has already been moved to the corresponding limit of its range, the Manager will promptly notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, December 22, 1978.

MURRAY ALTMANN,
Secretary.

[FR Doc. 79-334 Filed 1-3-79; 8:45 am]

[1] The Record of Policy Actions of the Committe for the meeting of November 21, 1978 is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[6210-01-M]

[Regulation Z]

TRUTH IN LENDING

Joint Notice of Statement of Enforcement Policy

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: Statement of interagency enforcement policy—Regulation Z.

SUMMARY: This statement of enforcement policy sets forth uniform 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 will use to enforce the Truth in Lending Act and Regulation Z. Specific, standardized guidelines will promote improved enforcement of the Truth in Lending through uniform corrective action, including reimbursement for borrowers who have been overcharged as a result of violations of the Act.

EFFECTIVE DATE: This statement shall become effective on January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Alan Dombrow, Office of the Comptroller of the Currency, 202-447-1600; Peter M. Kravitz, Federal Deposit Insurance Corporation, 202-389-4427; Harry W. Quillian, Federal Home Loan Bank Board, 202-377-6440; Margaret Stewart, Federal Reserve Board, 202-452-2412; Linda Cohen, National Credit Union Administration, 202-254-8760.

SUPPLEMENTARY INFORMATION: This document sets forth the principles that the federal regulatory agencies involved will use in enforcing the Truth in Lending Act and Regulation Z. Coordination among the agencies is desirable in order to bring about uniformity in the administrative actions that will be taken when violations of the Act are detected. To that end, the agencies have developed a set of policy guidelines for measuring and correcting the conditions resulting from certain violations of the Truth in Lending Act.

The guidelines which follow are intended to address those violations which result in overcharges to customers. It should be emphasized that it will continue to be the policy of the enforcing agencies that, whenver *any* violation of the Act is detected, prospective correction of the violation will be required—that is, creditors will be required to take whatever action is necessary to ensure that the violation does not recur. For example, a creditor using forms that do not comply with the type size requirements will be required to obtain new forms which do comply.

These guidelines are not intended to substitute for any other administrative authority that any of the agencies has to enforce the Act, nor do they foreclose the customer's right to bring a civil action where authorized by the Act. Further, where apparently willful and knowing violations are found, the agencies will notify the Department of Justice.

As new examination data concerning the extent and type of violations are received, the guidelines will be reviewed and revised as appropriate. They may be modified at the discretion of the agencies so as to be more responsive to specific or unique circumstances which may exist. The guidelines are also subject to revision where necessary to reflect changes in the Truth in Lending Act or Regulation Z.

The five participating agencies published a proposed statement of enforcement policy in October 1977. More than 300 comments, raising at least twenty different substantive and technical issues, were received. In the months following the close of the comment period in December 1977, the staffs of the participating agencies analyzed the comments and drafted several revised proposals in an effort to accommodate, to the extent possible, the concerns expressed in those comments, as well as the views of all the agencies. In September 1978, the Interagency Coordinating Committee, which is composed of senior representatives of the five agencies, agreed on a final draft and recommended its adoption. That action has now been taken by all the agencies involved.

Among the more significant aspects of the revised guidelines are the following:

1. The guidelines set forth a minimum standard for enforcement of the Truth in Lending Act. Each enforcing agency retains the option of taking alternative action where warranted and is in no way precluded from taking enforcement action for violations not covered by the guidelines.

2. The agencies will require reimbursement for violations discovered on outstanding loans consummated after October 28, 1974, and on terminated loans originated no more than two years prior to the date of examination in which the violation is discovered.

3. A creditor which understates the annual percentage rate will be required to adjust the cost of credit to assure that the customer pays no more than the disclosed annual percentage rate. A creditor understating the finance charge must reimburse customers for the difference between the actual and the disclosed finance charge. Where the creditor failed to disclose an annual percentage rate as required, the customer's cost of credit must be adjusted to the amount of the rate shown on the note or contract. Where the annual percentage rate is undisclosed and no rate is shown on the note or contract, the creditor will be required to reduce the actual annual percentage rate by one quarter of one percentage point in first lien mortgage transactions and by one percentage point in other transactions.

4. The guidelines provide a tolerance of one-eighth of one percentage point in disclosure of an annual percentage rate, meaning that an annual percentage rate which understates the true cost of credit will be subject to corrective action only if the understatement is greater than one-eighth of one percentage point. The guidelines also provide a tolerance for finance charge disclosures. If the disclosed finance charge understates the true finance charge by no more than $100 or 1% of the correct finance charge, whichever is lower, the understatement will not be subject to corrective action.

5. The agencies will require reimbursement for a violation resulting in an overcharge of $1.00 or more for an individual account. They may also require some form of corrective action for amounts under this level where the violations are part of a consistent pattern or are due to gross negligence or a willful violation of the Act.

6. Once the amount of the overcharge is determined to be above the tolerance levels for annual percentage rate and finance charge disclosures, and thus subject to reimbursement, the creditor will also be required to reimburse that portion of the overcharge representing the tolerance amount. The same principle will apply to the $1.00 minimum amount necessary to trigger reimbursement. Thus, these amounts will be included in computing the total required to be returned to the customer.

7. The creditor may, at its option, use either the lump sum method or the lump sum/payment reduction method as a method of reimbursement where overcharges are discovered. These methods are defined in the guidelines.

8. The agencies will not require reimbursement for violations involving disclosures of property insurance charges under § 226.4(a)(6) and the charges listed in § 226.4(b).

9. The agencies will require reimbursement for certain violations not involving disclosure of the finance

charge and the annual percentage rate. These violations are related to disclosure of late payment charges, prepayment penalties and the method of rebating unearned finance charges.

10. A customer whose transaction is subject to reimbursement must be told that the reimbursement is the result of the creditor's failure to properly disclose information required by the Truth in Lending Act.

11. Special rules apply when credit life insurance is excluded from the finance charge, but disclosure of the voluntary nature of the insurance was not made in accordance with the Act and regulation.

12. While the guidelines do not apply specifically to open end credit violations, the agencies intend such violations to be subject to the general policies set forth in these guidelines and reimbursement will be required in appropriate cases.

These guidelines are adopted pursuant to the enforcement authority contained in 15 U.S.C. 1607 and 12 U.S.C. 1818(b) in the cases of the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency, pursuant to 15 U.S.C. 1607 and 12 U.S.C. 1464(d)(2) and 1730(e) in the case of the Federal Home Loan Bank Board, and pursuant to 15 U.S.C. 1607 and 12 U.S.C. 1786(e)(1) in the case of the National Credit Union Administration.

In consideration of the foregoing, the following statement of enforcement policy is adopted:

Statement of Enforcement Policy

DEFINITIONS

Other than as listed below, all definitions are those found in the Truth in Lending Act and Regulation Z (hereinafter referred to as the "Act").

1. "Lump sum method" means a method of reimbursement under which a cash payment equal to the total overcharge will be made to a customer.

2. "Lump sum/payment reduction method" means a method of reimbursement under which a cash payment which will fully compensate the customer for past overcharges will be returned to the customer and the remaining payment amounts on the loan will be reduced to eliminate future overcharges.

3. "Understated APR" means a disclosed annual percentage rate, increased by ⅛ of one percentage point, which is less than the annual percentage rate calculated in accordance with the Act without rounding.

4. "Understated finance charge" means disclosed finance charge which is less than the finance charge calculated in accordance with the Act by an amount greater than the lesser of: (i) $100, or (ii) 1% of the correct finance charge.

GENERAL POLICIES

1. *Rules of application.* (a) The prescribed policies and remedies are understood to represent the minimum standards to be used by the agencies in enforcing the Act. Each enforcing agency will retain authority to take appropriate alternative action consistent with the intent of these guidelines. This statement of policy will not preclude enforcement of provisions of the Act which are not covered herein.

(b) These guidelines specifically apply to violations in other than open-end transactions. Open-end credit violations will be treated on a case-by-case basis, subject to the general policies set forth in these guidelines.

(c) Where violations are discovered in loans purchased by the holding institution from another institution, the enforcing agency for the holder will refer the violations to the agency with jurisdiction over the originating institution.

2. *De minimis rule.* (a) Violations discovered which result in overcharges shall require corrective action in the form of reimbursement to individual accounts for each overcharge of one dollar or more.

(b) The agencies reserve the right to require reimbursement or other corrective action for violations that result in amounts below the de minimis amount when they are part of a consistent pattern or are due to gross negligence or a willfull violation of the Act.

3. *Period for which corrective action is required.* (a) Corrective action shall be required for all violations within the scope of these guidelines on outstanding loans consummated since October 28, 1974.

(b) Corrective action shall be required for all violations within the scope of these guidelines on terminated loans consummated within two years of the examination in which the violation was noted.

4. *Violations involving the improper disclosure of annual percentage rate (APR) or finance charge.* (a) Where there is an understated APR and the finance charge is either correct or not disclosed, the creditor shall take corrective action to ensure that the customer's true cost of credit does not exceed the disclosed APR. Where there is an understated finance charge and the APR is correct, the creditor shall reimburse the overcharge (the difference between the actual and the understated finance charge). If the disclosed APR and finance charge are both understated, the creditor shall take appropriate action to correct the larger overcharge.

(b) In cases where an APR was required to be disclosed but was omitted, the disclosed APR shall be considered to be:

(1) The contract rate, if such a rate was disclosed on the note or Truth in Lending disclosure statement, or

(2) If such contract rate was not disclosed, the actual APR, reduced by ¼ of 1 percentage point in the case of first lien mortgage transactions, and by 1 percentage point in all other transactions.

The creditor shall take corrective action to ensure that the customer's true cost of credit does not exceed the disclosed APR as defined in this paragraph.

5. *Methods of adjustment.* In the event a customer has been overcharged, the customer will be reimbursed using either the lump sum method or the lump sum/payment reduction method, at the discretion of the creditor.

6. *Violations involving the improper disclosure of credit life, accident, health or loss of income insurance.* (a) If the creditor has not disclosed to the customer in writing that credit life, accident, health or loss of income insurance is optional, the insurance shall be treated as having been required by the creditor and improperly excluded from the finance charge. The creditor shall take appropriate corrective action for the overcharge resulting from the understated finance charge or APR. The insurance will remain in effect.

(b) If the creditor has disclosed to the customer in writing that credit life, accident, health or loss of income insurance is optional but there is either no signed insurance option or no disclosure of the cost of the insurance, the creditor shall, unless a claim was made on the insurance policy and paid, be required to send a written notice to the affected customer disclosing the cost of the insurance and notifying the customer that the insurance is optional and that it may be cancelled within 45 days to obtain a full refund of all premiums charged. If the creditor receives no response within 45 days, the insurance will remain in effect and no further corrective action will be required.

(c) Omission of the date on the insurance option shall not be considered to result in an overcharge.

7. *Special disclosure violations.* (a) If a creditor has not included the premium for required property insurance as part of the finance charge, and has failed to make required disclosure under 12 CFR 226.4(a)(6), it shall not constitute an overcharge.

(b) If a creditor has not itemized and disclosed the charges found in 12 CFR § 226.4(b) and has not included them in the finance charge as required by that Section, the resulting disclosure

violation shall not constitute an overcharge.

8. *Non-finance charge violations.* (a) If a prepayment penalty or late payment charge in excess of that disclosed has been collected, the excess shall be reimbursed.

(b) (1) A creditor which gives a less favorable rebate of unearned finance charges than was disclosed must reimburse the difference between the disclosed and actual rebate amounts.

(2) Failure to rebate unearned finance charges results in an overcharge if the creditor has not disclosed that unearned finance charges will not be rebated. In such event, the creditor will be required to rebate unearned finance charges according to the method disclosed or, if none was disclosed, according to the method specified under State law. If no method was disclosed and State law is silent, the creditor shall rebate unearned finance charges pursuant to the actuarial method based on scheduled payments.

9. *Disclosure of reason for corrective action.* Whenever corrective action in the form of reimbursement is made to a customer, the creditor must inform the customer that the reimbursement is being made as a result of the creditor's failure to make disclosures required by the Truth in Lending Act.

10. *Reimbursement procedures.* Creditors are encouraged to make reimbursement voluntarily and are reminded that the Act absolves them of civil liability for unintentional violations corrected within 15 days of discovery of an error.

In the event a creditor refuses to make reimbursement as requested, the agency may issue an cease-and-desist order to require corrective action in accordance with procedures prescribed in its general enforcement authority.

Dated: December 26, 1978.

HENRY C. WALLICH,
Member, Board of Governors of the Federal Reserve System.

Dated: December 27, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

Dated: December 27, 1978.

JOHN G. HEIMANN,
Acting Chairman, Federal Deposit Insurance Corporation.

Dated: December 27, 1978.

ROBERT H. MCKINNEY,
Chairman, Federal Home Loan Bank Board.

Dated: December 26, 1978.

LAWRENCE CONNELL, Jr.,
Administrator, National Credit Union Administration.

[FR Doc. 79-340 Filed 1-3-79; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 27, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before January 22, 1979, and should be addressed to Mr. John Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulator Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

ICC requests an extension without change clearance of the Quarterly Report of Freight Loss and Damage Claims—Motor Carriers, Form QL&D-M, required to be filed by some 2280 motor carriers of property with an average operating revenue of $1 million or more, pursuant to Section 220 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Reporting burden for carriers is estimated to average 36 hours per report. Reports are mandatory and available for use by the public.

ICC requests an extension without change clearance of Quarterly Report of Freight Loss and Damage Claims—Railroads, Form QL&D-R, required to be filed by some 42 Class I line-haul railroads, except switching and terminal companies, with an average operating revenue of $50 million or more, pursuant to Section 20 of the Interstate Commerce Act. This is a smaller number of carriers than previous due to revised revenue classifications. Data are used for economic regulatory purposes. Reporting burden for carriers is estimated to average 64 hours per report. Reports are mandatory and available for use by the public.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-320 Filed 1-3-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-654; FDAA-568-DR]

KENTUCKY

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FDAA-568-DR), dated December 12, 1978, and related determinations.

DATED: December 12, 1978.

FOR FURTHER INFORMATION CONTACT:

A. C. Reid, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on December 12, 1978, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky resulting from severe storms and flooding beginning about December 7, 1978, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Kentucky.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle of the Federal Disaster Assistance Administration to act as the Federal Coordi-

nating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Kentucky to have been adversely affected by this declared major disaster.

The Counties of:

Anderson	Magoffin
Bullitt	Martin
Clark	Mercer
Franklin	Morgan
Hardin	Nelson
Henry	Owen
Jessamine	Powell
Bath	Woodford
Carroll	

(Catalog of Federal Domestic Asst. No. 14.701, Disaster Asst.)

WILLIAM H. WILCOX,
Federal Disaster Assistance Administration.

[FR Doc. 79-330 Filed 1-3-79; 8:45 am]

[4210-01-M]

[Docket No. NFD-653 FDAA-568-DR]

KENTUCKY

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of major disaster declaration for the Commonwealth of Kentucky (FDAA-568-DR), dated December 12, 1978.

DATED: December 17, 1978.

FOR FURTHER INFORMATION CONTACT:

A. C. Reid, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: The Notice of major disaster for the Commonwealth of Kentucky dated December 12, 1978, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 12, 1978.

The Counties of:

Bourbon	Lawrence
Breathitt	Lee
Carter	Lincoln
Casey	Madison
Estill	Oldham
Fayette	Rowan
Fleming	Trimble
Harrison	Wolfe

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance)

WILLIAM H. WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-331 Filed 1-3-79; 8:45 am]

[4210-01-M]

[Docket No. NFD-652; FDAA-569-DR]

WEST VIRGINIA

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of West Virginia (FDAA-569-DR), dated December 14, 1978, and related determinations.

DATED: December 14, 1978.

FOR FURTHER INFORMATION CONTACT:

A. C. Reid, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285 and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on December 14, 1978, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from severe storms and flooding beginning about December 7, 1978, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of West Virginia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No D-74-285, I hereby appoint Mr. Robert Adamcik of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this delcared major disaster.

I do hereby determine the following areas of the State of West Virginia to have been adversely affected by this declared major disaster.

The Counties of:

Cabell	Mingo
Jackson	Wayne
Lincoln	

(Catalog of Federal Domestic Asst. No. 14,701, Disaster Asst.)

WILLIAM H. WILCOX,
Federal Disaster Assistance Administration.

[FR Doc. 79-329 Filed 1-3-79; 8:45 am]

[4210-01-M]

[Docket No. D-78-450]

ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

Revocation of Redelegation of Authority

AGENCY: Department of Housing and Urban Development, Federal Disaster Assistance Administration (FDAA).

ACTION: Revocation of Redelegation of Authority (temporary Housing).

SUMMARY: This notice revokes the redelegation of authority from the Administrator, FDAA, to the Assistant Secretary for Housing—Federal Housing Commissioner, HUD (41 FR 29719, July 19, 1976). That redelegation authorized the Assistant Secretary to exercise certain authorities in section 404, Disaster Relief Act of 1974 (42 U.S.C. 5174, Pub. L. 93-288, Sec. 404) pertaining to disaster temporary housing. This revocation returns those authorities to the Administrator. By another notice published today's FEDERAL REGISTER, the Administrator redelegates the authorities to the Regional Directors, FDAA.

FOR FURTHER INFORMATION CONTACT:

Richard Sanderson, Director, Individual Assistance Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7860).

SUPPLEMENTAL INFORMATION: The Administrator, FDAA, has the authority to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance. The Administrator's authorities were delegated by the President to the Secretary of Housing and Urban Development by section 1, Executive Order 11795 (39 FR 25939, dated July 11, 1974) and by the Secretary to the Administrator by the Delegation of Authority (39 FR 28227, August 5, 1974). Under this authority, the Administrator redelegated to the Assistant Secretary for Housing—Federal Housing Commissioner certain authorities in section 404 of the Disaster Relief Act of 1974 (41 FR 29719, July

19, 1976) pertaining to the provision of temporary housing.

By this notice, the Administrator revokes the redelegation of authority to the Assistant Secretary. The effect of the revocation is to return the authorities to provide temporary housing to the Administrator. By another notice published today's FEDERAL REGISTER, the Administrator redelegates the authority to provide temporary housing to the Regional Directors, FDAA.

Because of the revocation of the redelegation of authority to the Assistant Secretary, that official's redelegation of authority to the Regional Administrators (41 FR 37659, September 7, 1976) is automatically revoked as of the effective date of this notice.

The purposes of these changes are to improve the coordination of temporary housing assistance with other Federal disaster relief activities and to permit more flexibility in determining how temporary housing may be best provided. The changes are consistent with FDAA's efforts to simplify the application process for assistance. The changes are also consistent with the assumption by States of increased responsibility for the provision of temporary housing.

This revocation is effective for major disasters and emergencies declared on or after January 28, 1979.

Accordingly, the redelegation of authority from the Administrator, FDAA, to the Assistant Secretary for Housing—Federal Housing Commissioner (41 FR 29719, July 19, 1976) is revoked effective for major disasters and emergencies declared on or after January 28, 1979.

(Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq., Pub. L. 93-288); E.O. 11795 (39 FR 25939, dated July 11, 1974); Delegation of Authority (39 FR 28227, August 5, 1974).

Issued at Washington, D.C., December 26, 1978.

WILLIAM WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-381 Filed 1-3-79; 8:45 am]

[4210-01-M]

[Docket No. D-78-448]

REGIONAL DIRECTORS, FDAA

Redelegation of Authority

AGENCY: Department of Housing and Urban Development, Federal Disaster Assistance Administration (FDAA).

ACTION: Redelegation of Authority (Temporary Housing).

SUMMARY: This notice redelegates from the Administrator, FDAA, to the Regional Directors, FDAA, certain authorities in Section 404 of the Disaster Relief Act of 1974 pertaining to temporary housing. By another notice published in today's FEDERAL REGISTER, the Administrator revokes an earlier redelegation of the same authorities to the Assistant Secretary for Housing, Federal Housing Commissioner, HUD.

FOR FURTHER INFORMATION CONTACT:

Richard Sanderson, Director, Individual Assistance Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7860).

SUPPLEMENTAL INFORMATION: The Administrator, FDAA, has the authority to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance. The Administrator's authorities were delegated by the President to the Secretary of Housing and Urban Development by section 1, Executive Order 11795 (39 FR 25939, dated July 11, 1974) and by the Secretary to the Administrator by the Delegation of Authority (39 FR 283227, August 5, 1974). Under this authority, the Administrator redelegated to the Assistant Secretary for Housing—Federal Housing Commissioner—HUD, certain authorities in section 404 of the Disaster Relief Act of 1974 pertaining to the provision of temporary housing (41 FR 29719, July 19, 1976). Simultaneously, the Administrator revoked an earlier redelgation of the same authorities to the Regional Directors, FDAA (41 FR 29719, July 19, 1976). Simultaneously, the Administrator revoked an earlier redelegation of the same authorities to the Regional Directors, FDAA (41 FR 29719, July 19, 1976).

By another notice published today's FEDERAL REGISTER, the Administrator revokes the redelegation of authority to the Assistant Secretary. By this notice, the Administrator redelegates the same authorities to the Regional Directors. Therefore, the notices today essentially undo the Administrator's actions in 1976.

This redelegation of authority is effective for major disasters and emergencies declared on or after January 28, 1979, which is the same effective date as the revocation of the redelegation of authority to the Assistant Secretary.

This redelegation of authority effectively supersedes the July 19, 1976, amendment to the existing redelegation of authority to the Regional Directors relating to the authorities in section 404. The original redelegation of authority was published at 39 FR 32046, September 4, 1974, and was amended at 39 FR 40186, November 14, 1974. The amendment relating to the authorities in section 404 was published at 41 FR 29719, July 19, 1976. The original document delegated all the authorities of the Administrator with certain exceptions. The redelegation of the temporary housing authorities is accomplished by limiting the scope of the exception relating to section 404.

Accordingly, the redelegation of authority from the Administrator, FDAA, to the Regional Directors, FDAA (39 FR 32046, September 4, 1974) as amended (39 FR 40186, November 14, 1974, and 41 FR 29719, July 19, 1976) is further amended so that paragraph 5 reads as follows:

5. The authorities to authorize installation of essential utilities at Federal expense and to provide other more economical or accessible sites for mobile homes or other readily fabricated dwellings under section 404(a) and the authority to sell or otherwise make available temporary housing units directly to States, other governmental entities and voluntary organizations under section 404(d)(2) of the Act.

This redelegation of authority is effective for major disasters and emergencies declared on or after January 28, 1979.

(Disaster Relief Act of 1974 (42 USC 5121 et seq., Pub. L. 93-288); E.O. 11795 (39 FR 25939, dated July 11, 1974); Delegation of Authority (39 FR 28227, August 5, 1974).

Issued at Washington, D.C., December 26, 1978.

WILLIAM WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-380 Filed 1-3-79; 8:45 am]

[4310-09-M]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CONTRACT NEGOTIATIONS TO PAY COSTS OF AMERICAN FALLS REPLACEMENT DAM MINIDOKA PROJECT, IDAHO-WYOMING

Intent To Begin Contract Negotiations To Discharge Liability of Irrigation Spaceholders

Although the Department of the Interior has not formally adopted procedures for public participation in contract negotiations, we believe that it is in the interests of the Department to advise the public that contractual arrangements are being considered.

The Department of the Interior, through the Bureau of Reclamation, intends to open negotiations to implement section 7 of the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471) enacted November 2, 1978. Section 7 provides that " * * * the Secretary of the Interior is authorized and directed to pay and discharge that portion of the costs associated with

the replacement of the American Falls Dam which the irrigation spaceholder contracting entities are obligated to pay pursuant to the implementation of the Act of December 28, 1973 (87 Stat. 904), to treat such costs as costs incurred under this Act, and to enter into contracts with the irrigation spaceholder contracting entities to accomplish the payment and discharge of such costs."

The American Falls Replacement Dam, located on the Snake River in south Idaho, forms a reservoir with 1.7 million acre-feet of capacity. The stored water is used for irrigation and power production. The new dam, which has been under construction since 1976, replaces a deteriorated Federal structure that was built in 1927.

The replacement dam was constructed by the American Falls Reservoir District, as authorized by the Act of December 28, 1973 (87 Stat. 904), on behalf of waterusers who had previously contracted with the United States for storage rights in the reservoir. Title to the replacement dam will be conveyed to the United States. The dam and reservoir will be operated as an integral part of the Minidoka Federal Reclamation Project.

Before the benefits of section 7 can be made available to the spaceholders, some of the existing contractual arrangements will need to be modified.

The amount to be paid on behalf of the irrigation spaceholders is estimated at $19 million. Payment is contingent upon congressional appropriation of funds in addition to successful conclusion of the necessary contracts with the United States.

The public may observe any negotiating sessions. The public is also invited to submit written comments on the form of proposed contracts. Comments must be received within 30 days after the completed contract drafts are declared to be available to the public.

For further information on scheduled negotiating sessions and copies of the proposed contract forms, please contact: Miss Patricia Gallagher, Chief, Repayment & Statistics Branch, Division of Water, Power, and Lands, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724, telephone 208-384-1160.

Dated: December 28, 1978.

CLIFFORD I. BARRETT,
Acting Commissioner of Reclamation.

[FR Doc. 79-357 Filed 1-3-79; 8:45 am]

[4310-10-M]

Office of the Secretary

U.S. FISH AND WILDLIFE SERVICE'S MAMMALIAN PREDATOR DAMAGE MANAGEMENT FOR LIVESTOCK PROTECTION IN THE WESTERN UNITED STATES

Extension of Public Comment Period

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

ACTION: Extension of public comment period on a draft environmental impact statement (DEIS) on the U.S. Fish and Wildlife Service's western predator damage management program (78-49).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a Draft Environmental Impact Statement (DEIS) on the Service's western predator damage management program. The DEIS examines the Service's mammalian predator damage management program as presently conducted in the Western United States and its impact on the physical, cultural, biological, and economic environment; on recreation, human health and safety, and on public attitudes.

DATES: Comments must be received on or before February 12, 1979.

ADDRESSES: All comments should be sent to U.S. Fish and Wildlife Service, Division of Animal Damage Control, Department of the Interior, Washington, D.C., 20240.

The draft statement is available for inspection and copies are available, upon request, from the following locations:

Associate Director, Fish and Wildlife Resources, U.S. Fish and Wildlife Service, 18th and C Streets, N.W.—Room 3254, Washington, D.C. 20240, Telephone: (202) 343-5333.

Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232, Telephone: (503) 231-6118.

Regional Director, U.S. Fish and Wildlife Service, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87103, Telephone: (505) 766-2321.

Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111, Telephone: (612) 725-3563.

Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30347, Telephone: (404) 881-4671.

Regional Director, U.S. Fish and Wildlife Service, 1 Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, Telephone: (617) 965-5100, Ext. 9200.

Regional Director, U.S. Fish and Wildlife Service, Lake Plaza North, 134 Union Boulevard, Lakewood, Colorado 80228, Telephone: (303) 234-2209.

Alaska Area Director, U.S. Fish and Wildlife Service, 1101 E. Tudor Road, Anchorage, Alaska 99503, Telephone: (907) 276-3800.

A limited number of single copies are also available by writing the Chief, Division of Animal Damage Control at the address below.

FOR FURTHER INFORMATION, CONTACT:

Clarence E. Faulkner, Chief, Division of Animal Damage Control, U.S. Fish and Wildlife Service, Washington, D.C. 20240, Telephone: (202)-632-7463.

For additional information on predator damage, persons may wish to review a copy of the Fish and Wildlife Service Report entitled, *Predator Damage Management in the West.* This document will be available for review on or about January 1, 1979 at all Fish and Wildlife Service offices listed above. A limited number of single copies are available, upon request, by contacting the above offices.

Dated: December 29, 1978.

HEATHER L. ROSS,
Deputy Assistant Secretary.

[FR Doc. 79-335 Filed 1-3-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

U.S. CIRCUIT JUDGE NOMINATING COMMISSION, SIXTH CIRCUIT PANEL

Meeting

The first meeting of the nominating panel for the Sixth Circuit of the United States Circuit Judge Nominating Commission will be held in Louisville, Kentucky on the 28th Floor of Citizens Plaza, Fifth and Jefferson Streets (40202) at 11:00 a.m. on January 22, 1979. The morning session will be open to the public. The afternoon session will be devoted to discussion of candidates and will be closed to the public pursuant to Pub. L. 92-463, Section 10(D) as amended. (CF 5 U.S.C. 552b (c)(6).)

The second meeting will be held on February 6, 1979, at 9:30 a.m. in Room 501 of the U.S. Post Office and Federal Building, Cincinnati, Ohio. The purpose of this meeting is to consider nominations and the meeting will be closed to the public pursuant to Pub. L. 92-463, Section 10(D) as amended. (CF 5 U.S.C. 552b (c)(6).) If necessary, the meeting will be continued through February 7, 1979.

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

DECEMBER 29, 1978.

[FR Doc. 79-363 Filed 1-3-79; 8:45 am]

[4410-01-M]

U.S. CIRCUIT JUDGE NOMINATING COMMISSION, SEVENTH CIRCUIT PANEL

The second meeting of the nominating panel for the Seventh Circuit of the United States Circuit Judge Nominating Commission will be held on January 18 and 19, 1979 at 9:00 a.m., in the Concourse Hotel, One West Dayton Street, Madison, Wisconsin 53703.

These meetings will be closed to the public pursuant to Pub. L. 92-463, Section 10(D) as amended. (CF U.S.C. 552b (c)(6).)

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

DECEMBER 29, 1978.

[FR Doc. 79-364 Filed 1-3-79; 8:45 am]

[4410-01-M]

NATIONAL COMMISSION FOR THE REVIEW OF ANTITRUST LAWS AND PROCEDURES

Meeting

In accordance with Executive Order 12022 and section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is hereby given that the National Commission for the Review of Antitrust Laws and Procedures will hold a public meeting on Tuesday, January 16, 1979 beginning at 10:30 a.m. in Room 2141 Rayburn House Office Building, Independence and South Capitol Street, S.W., Washington, D.C.

The purpose of the meeting is to adopt the final report tentatively approved at its meeting on December 18, 1978.

Dated: December 29, 1978.

WENDELL B. ALCORN, JR.,
Special Counsel.

[FR Doc. 79-337 Filed 1-3-79; 8:45 am]

[7535-01-M]

NATIONAL CREDIT UNION ADMINISTRATION

[Reg. Z]

TRUTH IN LENDING

Joint Notice of Statement of Enforcement Policy

CROSS REFERENCE: For a notice of statement of enforcement policy regarding truth in lending, Regulation Z, issued jointly by 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, see FR Doc. 79-340 in the "Notices" section of this issue. Refer to the table of contents under "Federal Reserve Board" for the correct page number.

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-1]

ACCIDENT REPORT; SPECIAL STUDY; SAFETY RECOMMENDATIONS

Availability

AIRCRAFT ACCIDENT REPORT

The National Transportation Safety Board has completed its investigation of the crash of a National Airlines Boeing 727-235 into Escambia Bay last May 8 while executing a surveillance radar approach to runway 25 of the Pensacola (Fla.) Regional Airport. The Safety Board's formal investigation report, No. NTSB-AAR-78-13, was released December 27.

Investigation showed that the aircraft crashed about 3 mi from the east end of runway 25 and came to rest in about 12 ft of water. There were 52 passengers and a crew of six on board; three passengers were drowned. The accident occurred during the hours of darkness and in instrument meteorological conditions.

The Safety Board determined that the probable cause of this accident was the flightcrew's unprofessionally conducted nonprecision instrument approach, in that the captain and the crew failed to monitor the descent rate and altitude, and the first officer failed to provide the captain with required altitude and approach performance callouts. The crew failed to check and utilize all instruments available for altitude awareness, turned off the ground proximity warning system, and failed to configure the aircraft properly and in a timely manner for the approach. Contributing to the accident was the radar controller's failure to provide advance notice of the start-descent point which accelerated the pace of the crew's cockpit activities after the passage of the final approach fix.

PIPELINE SPECIAL STUDY

In releasing its special study, "Safe Service Life for Liquid Petroleum Pipelines," the Safety Board strongly urged quick action on regulatory proposals of the U.S. Department of Transportation (DOT) for tighter regulation of liquefied petroleum gas (LPG) pipelines. Noting the great losses arising from LPG accidents, the Safety Board has been seeking new safety measures since 1971.

This study, Report No. NTSB-PSS-78-1 released December 14, includes the results of an analysis of liquid pipeline accident data collected over a 9-year period (1968 to 1976) by DOT. The purpose of the analysis was to determine if a model could be developed to help determine when a liquid pipeline has become so hazardous that its operation should be modified or terminated. Also, the analysis highlights significant trends from the causes of pipeline leaks and accidents. The analysis revealed that sufficient data has not been collected to support a model of this sort. The report presents summarized data that will aid in the evaluation of current damage prevention programs and the assessment of accident trends in such areas as the cause and frequency of leaks and the fatalities or injuries resulting from the leaks.

The study showed that LPG accidents accounted for 10 percent of the 2,881 accidents in all liquid pipeline operations in the 9-year period. LPG accidents caused 62 percent of the 55 fatalities and 51 percent of the 127 injuries. The study also disclosed that in the LPG accidents, nearly five nonemployees have been killed for every employee fatality, and three nonemployees have been injured for every injured employee. Board investigations have shown that the public normally is the first to be exposed to leaked LPG and that such usually harmless actions as starting a car or operating a light switch often set off LPG explosions.

As a result of this study, recommendations were made to DOT, to the American Petroleum Institute, and to the Governors of the States of Texas and Oklahoma to improve DOT techniques for gathering and analyzing data, to strengthen Federal regulations concerning LPG pipelines, and to promote and encourage participation in statewide "one-call" systems. Under date of October 25, 1978, the Safety Board specifically recommended that:

DOT's Office of Pipeline Safety Operations, Materials Transportation Bureau—

Publish a plan that describes how the OPSO will use accident report data to formulate safety regulations and to develop a safe service life model for pipelines. (P-78-58)

Redesign the Liquid Pipeline Accident Report System to include data similar to that collected in the Natural Gas Accident Reporting System. (P-78-59)

Provide clear instructions and definitions to insure the accuracy and consistency of the data recorded on the liquid pipeline accident report forms. (P-78-60)

Computerize the redesigned Liquid Pipeline Accident Report System. Include the capability to: (a) Compute the historical accident/leak rate-per-mile of pipe for each carrier as well as the nationwide rate; (b)

make periodic comparisons of each carrier's accident/leak rate against the nationwide accident/leak rate; (c) compute and plot selective accident/leak rates based on pipeline parameters such as age, specified yield strength, depth of cover, product transported, etc.; (d) selectively retrieve and summarize accident/leak data pertaining to any given accident or classification of accidents; and (e) produce summarized reports reflecting the above-listed information. (P-78-61)

Conduct audits of the completed liquid pipeline accident reports to insure that mandatory data is provided. (P-78-62)

Expedite completion of the rulemaking to strengthen the Federal regulations concerning LPG pipelines. (P-78-63)

American Petroleum Institute—

Urge member companies to participate in and encourage improvement in any "one-call" system in areas where their pipelines operate, and help organize systems where they do not exist. (P-78-64)

Governors of the States of Oklahoma and Texas—

Take action to develop and implement statewide "one-call" excavation notification systems. (P-78-65)

PIPELINE SAFETY RECOMMENDATIONS

At 1:30 p.m., c.d.t., on June 12, 1978, a 10-inch natural gas pipeline owned by the Gas Service Company of Kansas City, Mo., was struck and ruptured by excavation equipment during construction of a sewer in Kansas City. The natural gas, at more than 110-psig pressure, escaped from a 5-inch-long hole in the pipeline. At 3:15 p.m., the gas ignited while two gas company employees were cleaning the pipe with hand tools before installing a pipe repair clamp. Both men were burned seriously.

The Safety Board has completed its investigation of the accident and will make available to the public its formal report. The report will provide factual information, analysis, conclusions, and the probable cause of the accident. Announcement will be made in the FEDERAL REGISTER when the report is to be released.

As a result of its investigation of this accident, the Safety Board on December 29 recommended that:

Gas Service Company of Kansas City—

Improve liaison with the municipalities and consulting engineers within its operating area and request that the gas company be notified of all preconstruction meetings to determine if gas facilities will be affected by the construction activities. (P-78-68)

Improve communications and cooperation between its engineering and field personnel to insure that responsible gas company employees are aware of a contractor's questions regarding gas facilities as the contractor's work progresses. (P-78-69)

Require its personnel to record all information requested on the Pipe Condition Report Form. Any pipeline depths of less than the minimum required in 49 CFR 192.237 should be carefully noted on pipeline maps and other records. (P-78-70)

Revise its emergency plan to show what segments of a pipeline can be taken out of service for repairs, and establish the maximum safe operating pressures for repairs to such pipelines. (P-78-71)

Revise its emergency plan to include all of the liaison and coordination requirements of 49 CFR 192.615, and provide training material to local fire departments about the hazards of extinguishing gas fires. (P-78-73)

Include in company maintenance procedures the requirement that vegetation on pipeline rights-of-way and around line marker signs be cleared before construction equipment is used near gas pipelines. (P-78-73)

Require the use of flame-retardant material in the uniforms of personnel required to work in gaseous atmospheres. (P-78-74)

Train its distribution repair crews to work safely on high-pressure transmission pipelines. (P-78-75)

Torson Construction Company of Kansas City—

Protect pipelines to be crossed during construction by verifying the location, elevation, and dimensions of all known or suspected underground obstructions ahead of the work and by reviewing all requirements in the specifications with its field supervisor. (P-78-76)

Establish an early liaison with the gas company before commencement of construction projects and coordinate the field activities of the construction crews to afford maximum protection of pipeline facilities. (P-78-77)

Require its employees to precisely establish the horizontal and vertical locations of gas pipelines by means of hand-excavated test holes before allowing heavy excavation equipment in the area of a pipeline crossing. (P-78-78)

Occupational Safety and Health Administration, U.S. Department of Labor—

Establish standards for gas industry safety clothing to protect workers repairing leaking gas pipelines where ignition of the gas could cause serious burns. (P-78-79)

Governor, State of Missouri—

Amend State law to specify the use of hand-excavated test holes, or other proven, accurate method, to establish a precise depth or location of the underground facility, and to establish a wide buffer zone beside a pipeline location, over which heavy equipment cannot operate, to allow for errors in establishing the approximate location of underground facilities. (P-78-80)

Require municipalities to incorporate the amended State "Underground Facility Safety and Damage Prevention Act" in the specifications of construction projects which use large excavating equipment and during which gas pipeline facilities will be crossed, and require that the contractor have the specifications with the State law requirements at the job site for ready reference by the workers. (P-78-81)

NOTE: Single copies of the accident report, the special study, and the Board's recommendation letters are available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report and the special study may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va., 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 29, 1978.

[FR Doc. 79-356 Filed 1-3-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

ANTI-INFLATION MEASURES AFFECTING FEDERAL CONTRACTS

Policy Statement

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: OFPP policy letter.

SUMMARY: This document contains an OFPP Policy Statement that will be incorporated into the Defense Acquisition Regulations (DAR) and the Federal Procurement Regulations (FPMR). The President has determined that the Government will benefit by contracting only with companies which cooperate in the fight against inflation. This means that whenever possible, the Government will refrain from awarding contracts to companies which do not cooperate in anti-inflation efforts by keeping price and wage increases within standards established by the Council on Wage and Price Stability. This policy is applicable to Federal prime contractors and first tier subcontractors. Initially, the policy will be limited to transactions in excess of $5 million. This dollar threshold may be lowered at a later date.

EFFECTIVE DATE: February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. LeRoy J. Haugh, Associate Administrator for Regulations and Procedures, (202) 395-6166.

SUPPLEMENTARY INFORMATION: On Wednesday, November 8, 1978, there was published for comment in the FEDERAL REGISTER, 43 FR 52032, a proposed rule entitled Wage and Price Standards for Federal Contracts. Consideration has been given to all comments received which resulted in re-

finement reflected in the final rule set forth below. As noted therein, this policy issuance will be incorporated into the Defense Acquisition Regulation and the Federal procurement Regulations.

This policy letter is being promulgated under Section 6 of Pub. L. 93-400 (41 U.S.C. 405).

LESTER A. FETTIG,
Administrator.

DECEMBER 27, 1978.

[Policy Letter No. 78-6]

TO: THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Wage and Price Standards for Federal Contractors

A program of voluntary wage and price standards was announced by President Carter on October 24, 1978. The President directed that Federal procurement of supplies and services be conducted so as to recognize anti-inflationary efforts and to benefit Federal contracting by doing business with those firms which limit wage and price increases. Application to executive agencies and military departments was provided by Executive Order 12092 of November 1, 1978.

To implement this program, the following provisions will be incorporated into the Defense Acquisition Regulation (DAR) and the Federal Procurement Regulations (FPR) (FPR citations are within parentheses). The provisions are specifically designed to avoid placing administrative burdens on the acquisition process. Contracting officers, auditors, or other acquisition officials are cautioned that it is not their responsibility to determine if an offeror or contractor is or is not in compliance with the wage and price standards.

DAR 1-340 (FPR Sec. 1-1.340) (new):

"1-340 (Sec. 1-1.340) Prohibition Against Inflationary Procurement Practices.

(a) *Authority.* Executive Order 12092, November 1, 1978, (43 FR 51375, November 3, 1978) requires that procurement of personal property and services by executive agencies and military departments be accomplished at prices and wage rates which are noninflationary.

(b) *Acquisition Policy.* The Government will, to the extent provided in paragraph (d) below, purchase goods and services only from companies, as companies are defined by the published standards of the Council on Wage and Price Stability (CWPS), in compliance with wage and price standards reflected in Executive Order 12092 of November 1, 1978, and the Wage and Price Standards issued by CWPS (6 CFR Part 705, Appendix, and Part 706). The company which signs the contract or solicitation is considered to be certifying compliance for all units contained within the business structure of that company. Companies determined by CWPS, after notice and opportunity to be heard, to be in noncompliance with the standards will be considered noncompliant companies.

(c) *Compliance Monitoring by CWPS.* The CWPS will monitor overall compliance with the wage and price standards (6 CFR Part 705, Appendix, and Part 706). The CWPS will publish in accordance with procedures designed to ensure fairness and due process the names of companies which are not in compliance with the standards. The names of those determined to be in noncompliance with the standards will be republished in Defense Acquisition Circulars (FPR Bulletins) for the convenience of contracting officers. Contracting officers, auditors and other acquisition officials are cautioned that it is not their responsibility to determine if an offeror or contractor is or is not in compliance with the wage and price standards.

(d) *Noncompliant Companies.*

1. Companies determined by CWPS to be in noncompliance shall be ineligible for contract awards anticipated to exceed $5 million resulting from solicitations or other actions issued on or after February 15, 1979, unless the certification provision(s) is waived as provided for in paragraph (i). This dollar threshold may be lowered at a later date.

2. companies listed by CWPS as not being in compliance shall not be considered to be in compliance until CWPS removes them from the list of noncompliant companies or otherwise determines that they are in compliance.

(e) *Sales Contrants and Foreign Contracts and Subcontracts.* This paragraph does not apply to sales contracts awarded by the Government, or to contracts or subcontracts that are to be performed wholly outside the United States, as that term is defined in 10 U.S.C. Sec. 101 (1970), with labor recruited and material purchased outside the United States.

(f) *Certification Provisions.*

1. *Solicitation Provision.* All bids and proposals received as a result of solicitations issued on or after February 15, 1979, where it is expected that the award will exceed $5 million or where cumulative orders expected to be placed under an indefinite delivery type contract award will exceed $5 million, shall include the following certification. The certification shall be accepted by the contracting agency unless the company has been determined by CWPS to be noncompliant. Any CWPS determination is not subject to protest to the General Accounting Office.

CERTIFICATION—WAGE AND PRICE STANDARDS (1979 JAN)

(Applicable to awards in excess of $5 million, and awards of indefinite delivery type contracts under which cumulative orders are expected to exceed $5 million.)

(a) By submission of this bid or offer, the bidder or offeror certifies that he is in compliance with the Wage and Price Standards issued by the Council on Wage and Price Stability (6 CFR Part 705, Appendix, and Part 706).

(b) The clause entitled, "Certification—Wage and Price Standards," set forth elsewhere in this solicitation, shall be incorporated in any resulting contract except where waived by agency head involved.

(End of Notice)

2. *Contract Provision.* All contracts, including indefinite delivery type contracts, resulting from solicitations issued on or after February 15, 1979 expected to exceed $5 million, and all orders or new work added by supplemental agreements to existing contracts in excess of $5 million executed on or after February 15, 1979, will contain the following clause. The certification shall be accepted by the contracting agency unless the company has been determined by CWPS to be noncompliant.

CERTIFICATION—WAGE AND PRICE STANDARDS (1979 JAN)

(This clause is applicable if the award, an order under an existing contract or a supplemental agreement for new work is in excess of $5 million, or the expected cumulative value of orders (when the contract is of the indefinite delivery type) is in excess of $5 million.)

(a) The contractor hereby certifies that, as of the date of this action, he is in compliance with the Wage and Price Standards issued by the Council on Wage and Price Stability (6 CFR 705, Appendix, and Part 706).

(b) If it is later determined after notice and opportunity to be heard, that the contractor was willfully not in compliance with such standards as of the date of this certification, then this contract may be terminated in accordance with the provisions of the Termination for Default Clause.

(c) Should the Government determine that termination for default would not be in the public interest, the contractor agrees that he will accept an equitable reduction of the contract price or cost allowance and profit or fee, as appropriate under the circumstances.

(d) The contractor shall require a Certification—Wage and Price Standards limited to (a) above, as a condition of award of any first tier subcontract which exceeds $5 million. The contractor further agrees that should any price adjustment in subcontract prices result from the operation of this provision as to subcontracts, he will advise the contracting officer and an equitable adjustment of the contract price will be made. The operation of this provision in any subcontract shall not excuse the contractor from performance of this contract in accordance with its terms and conditions. Any waiver or relaxation of the certification requirements with respect to such first-tier subcontractors can only be made by the agency head involved.

(END OF CLAUSE)

(g) *Enforcement.*

1. A contractor who has certified as provided in paragraph (f) above and who has been determined, after notice and opportunity to be heard, to have been willfully not in compliance with the wage and price standards as of the date of the certification, may be terminated for default in accordance with the contract provision in paragraph (f)(2) above.

2. Any such contractor will be ineligible for any further Federal contracts and subcontracts in excess of $5 million unless such ineligibility is waived by the agency head in accordance with paragraph (h) below.

3. If the contractor has been determined to be in breach of contract under (f) above, he shall be notified of such determination and given the opportunity within 10 days, to apply for waiver of default termination and the application of some lesser penalty. The contracting officer shall furnish his decision and the reasons therefore, within 10 days after receipt of the application.

(h) *Waiver of Termination for Default and of Ineligibility for Federal Contracts and Subcontracts.* Termination for default or a determination of ineligibility for Federal contracts and subcontracts may be waived

by the agency head if he determines in writing that:

(i) the agency's need for the product or service is essential to National security or public safety, and there are no alternative sources of supply, or that seeking alternative sources is not feasible because of urgency of requirements, or disruption of essential program functions; or

(ii) such action would result in severe financial hardship and threaten the contractor's or subcontractor's ability to survive; or

(iii) the contractor or subcontractor agrees to come into compliance with the wage and price standards and to make any reduction of the contract price that is equitable in the circumstances.

(i) *Waiver of Certification.*

1. Waiver of the contract certification should be considered only in situations where the Government cannot forego or postpone a procurement because of an urgent National security or public safety requirement and where there are no alternative sources or that seeking alternative sources is not feasible because of urgency of requirements, or disruption of essential program functions.

2. Such waivers will be granted only by the agency head involved, and only after thoroughly exhausting all reasonable alternatives.

3. Waivers shall be in writing, and a copy of such waiver shall be forwarded within 10 days to the Administrator for Federal Procurement Policy.

4. Prime contractors will submit requests for subcontract award waivers to the Contracting Officer."

LESTER A. FETTIG,
Administrator.

[FR Doc. 79-426 Filed 1-3-79; 8:45 am]

[3190-01-M]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (the Act), notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Thursday, January 25, 1979, from 2:00 p.m. to 5:00 p.m. at the Office of the Special Representative for Trade Negotiations, 1800 G Street N.W., Washington, D.C.

The purpose of this meeting will be to review and discuss the status of, and the United States strategy and objectives for, the multilateral trade negotiations currently underway in Geneva.

In accordance with section 10(d) of the Act, the meeting will not be open to the public because information falling within the purview of 5 U.S.C. 552b(c)(1) (the exception to the Government in the Sunshine Act for matters specifically required by Executive order to be kept secret in the interest of foreign policy) will be reviewed and discussed.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Executive Director, Advisory Committee for Trade Negotiations, Office of the Special Representative for Trade Negotiations, 1800 G Street, Room 725, Washington, D.C. 20506.

PHYLLIS O. BONANNO,
Executive Director, Advisory Committee for Trade Negotiations.

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

DETERMINATION OF CLOSING OF MEETING

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee), to be held Thursday, January 25, 1979, from 2:00 p.m. to 5:00 p.m. at the Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C., will involve a review and discussion of the status of, and United States strategy and objectives for, the multilateral trade negotiations currently underway in Geneva. Such review and discussion will deal with information properly classified pursuant to Executive Order 11652 and specifically required by such order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have appropriate security clearances. Accordingly, I hereby determine that this meeting of the Advisory Committee will be concerned with matters listed in section 552b(c)(1) of Title 5 of the United States Code.

ROBERT S. STRAUSS,
Special Representative for Trade Negotiations.

[FR Doc. 79-358 Filed 1-3-79; 8:45 am]

[4710-07-M]

DEPARTMENT OF STATE

[Public Notice CM-8/142]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, January 17, 1979, in Room 9232 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of this meeting will be to consider the following items concerning the Code of Safety for Nuclear Merchant Ships:

Review the various angles of heel and list which are used to describe limited conditions throughout the Code.

Discuss the adequacy of the quality assurance measures currently in the Code.

Discuss comparison of Code with OECD General Review Paper.

Requests for further information should be directed to Commander John Deck III, United States Coast Guard, (G-MMT-4/82), telephone number (202) 426-2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman.

DECEMBER 26, 1978.

[FR Doc. 79-352 Filed 1-3-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-179]

ALTERATION OF MEMORIAL BRIDGE ACROSS THE CLEARWATER RIVER, MILE 2.0, AT LEWISTON, IDAHO

Supplemental Notice of Public Hearing

The Commandant has authorized a public hearing to be held by the Commander, Thirteenth Coast Guard District in conjunction with the State of Idaho Transportation Department. The hearing will be held on Thursday evening, February 1, 1979, at 7:30 p.m., in the Lewiston Community Center, 1424 Main Street, Lewiston, Idaho. Notice of this Public Hearing was first published on December 21, 1978 in 43 FEDERAL REGISTER, page 59565. In that notice no reference was made to the no-build alternative. The purpose of this supplemental notice is to inform all interested parties that the Coast Guard has considered this alternative. This alternative is discussed in the draft Environmental Impact Statement and comments on this alternative will be received at the public hearing.

Also, the zip code for the Commander, Thirteenth Coast Guard District should read 98174.

(42 U.S.C. 4321 et seq., 49 U.S.C. 1653(f); 33 U.S.C. 511, et seq., 49 U.S.C. 1655(g)(3); 33 CFR Part 116 and 49 CFR 1.46(c)(6))

Dated: December 28, 1978.

F P. SCHUBERT,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 79-362 Filed 1-3-79; 8:45 am]

[4910-22-M]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

COMMERCIAL MOTOR CARRIER SAFETY INSPECTION AND WEIGHING DEMONSTRATION PROGRAM

Invitation for State Interest

AGENCY: Federal Highway Administration, DOT.

ACTION: Invitation for State Interest in the Demonstration Program.

SUMMARY: This notice announces the Federal Highway Administration's Commercial Motor Carrier Safety Inspection and Weighing Demonstration Program and invites interested States to respond, in writing, indicating their willingness and capability to participate.

FOR FURTHER INFORMATION CONTACT:

Russell G. Toth, Hazardous Materials Liaison Officer, or George A. Whitney, Transportation Safety Analyst, Regulations Division, Bureau of Motor Carrier Safety, 202-426-9767; or David C. Oliver, Attorney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, 202-26-0824, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: For years concern has been expressed among parties in the private and public sector over the involvement of commercial motor vehicles in highway accidents. More recently, the Congress and others have raised questions regarding the harmful effects of overweight trucks on the safety and the structural integrity of the Nation's highways and bridges and the need to protect an already substantial State and Federal investment.

The buying power of funds available to construct and maintain the Nation's highways is dwindling while the need for increased maintenance is soaring. More effective control of overweight trucks can partially alleviate this rate of increase. Criticisms have already been levied challenging the effectiveness of the present Federal/State approach regarding the inspection of trucks and their drivers and related State truck weighing activities.

Presently, Federal and State Governments share mutual responsibilities for protecting the public from the inherent risks of motor carrier operations. Federal responsibility to regulate motor carrier commerce between the States came into being with enactment of the Motor Carrier Act of 1935 (Part II, Interstate Commerce Act, 49 U.S.C. 304), the Federal Motor Carrier Safety Regulations, 49 CFR 390-397), and are implemented under Part II of the Act. State responsibilities are contained in various State statutes and rules pertaining to the regulation and control of motor vehicles under police, safety, and health authorities.

The Federal Government does not conduct weighing operations; however, States are required under 23 U.S.C. 141 to certify enforcement of Federal size and weight limitations. The States vary widely to the extent in which they weigh motor vehicles and enforce maximum weight laws. Some States employ several permanent fixed scales, while others use few or no permanent scale facilities at all. Hours of scale operations also vary widely and enforcement ranges from strict to lax resulting in varying degrees of effectiveness by State and by installation. Fragmented Federal and State authorities, exercising varying levels of program activity, resulted from a single Federal safety regulatory program which covers only interstate motor carriers, and non-uniform State regulations covering only certain aspects of intrastate operations. Many of the present activities conducted independently by Federal and State Governments, exhibit interrelated interests, compatible objectives, and similar techniques. These activities are often carried out simultaneously at the same locations; for example, truck weighing by State personnel and vehicle/driver safety inspection by Federal employees at State scale facilities with the assistance of State traffic enforcement personnel.

As authorized in the Motor Carrier Act of 1935, the Federal Government continues to conduct uniform safety inspection of vehicles and drivers engaged in interstate motor carrier operations. This activity is performed by the FHWA's Bureau of Motor Carrier Safety in implementing the Federal Motor Carrier Safety Program. Also, a few States manage active inspection programs, while others conduct minimal or token programs, or may offer no safety inspection systems at all.

It is believed that a Federal financial assistance program, utilizing solely State forces, and uniform procedures to conduct driver/equipment inspections and expanded vehicle weight measurement activities, will result in more efficient safety management and successfully address the serious problem of unsafe or overweight trucks operating on public highways.

COMMERCIAL MOTOR CARRIER SAFETY INSPECTION AND WEIGHING DEMONSTRATION PROGRAM

Public Law 95-335, Department of Transportation and Related Agencies Appropriation Act, 1979, enacted August 4, 1978, provides $3,000,000 to initiate the Demonstration Program. Specifically, the Demonstration Program is designed to promote the establishment and maintenance of motor carrier safety programs, and the adoption of consistent safety standards for both intrastate and interstate motor carrier commerce.

The orgainzation within the Department of Transportation having overall responsibility for the Demonstration Program is the FHWA's Bureau of Motor Carrier Safety. However, the detailed planning, programming, monitoring and evaluation of the program shall be the result of a coordinated effort by headquarters and field offices and participating States.

Presently, it is envisioned that the FHWA, pursuant to Pub. L. 95-224, Federal Grant and Cooperative Agreement Act of 1977, will enter into a "cooperative agreement" to fund one to three States for a 3-year period to demonstrate the extent to which benefits can be obtained as a result of expanded State activity in the weighing and inspection of trucks engaged in intrastate and interstate commerce. Upon completion and successful results, major elements of the Demonstration Program could be advanced as an on-going program to include any number of States subsequent to Congressional approval.

In satisfaction of Congressional intent, participating States must contribute to the cost of the program. Thus, a State must provide a core staff of personnel engaged in vehicle weighing and driver/equipment inspection activities. In furtherance of its contributory obligation, a State's expenditures necessary to conduct its current (base) level of effort in these areas will be required to be maintained. Such expenditures will not be eligible for up to 100 percent Federal funding.

The cooperative agreement will serve as the legal instrument to ensure that the optimal working relationship exists between the States and the FHWA and will stipulate the mutually agreed upon rights and responsibilities of each party. Additionally, the cooperative agreement will specify the quantity and content of State activity required during the Demonstration period and will address funding procedures for authorization, billing, payment, accounting and auditing.

The Demonstration Program will include, at least, the following elements and require a participating State to:

- *Conduct Commercial Intrastate and Interstate Vehicle Weighing Activities*

A State shall provide a core staff of personnel presently conducting vehicle weighing activities and with additional personnel and equipment funded with Federal assistance:

- Expand the hours of operation at existing State fixed scale facilities with 24 hour operations at selected facilities and expand the use of additional portable scale weighting operations;
- Weigh as many vehicles as practicable during hours of operation at specified locations; and
- Identify overweight vehicles and remove them from the public highways or impose other appropriate State sanctions to include off-loading when necessary.

- *Conduct Commercial Intrastate and Interstate Driver/Equipment Inspection Activities*

A State shall provide a core staff of personnel presently conducting driver/equipment inspection activities and with additional personnel and equipment funded with Federal assistance:

- Train State personnel in BMCS prescribed inspection procedures;
- Expand the hours of operation at existing and additional inspection locations;
- Identify imminently unsafe vehicles and remove them from the public highways;
- Identify other equipment defects and driver violations and require appropriate remedial action; and
- Impose State sanctions as applicable.

In addition, a participating State will be required to forward the results of such activities on a periodic basis utilizing prescribed reporting procedures for subsequent evaluation by headquarters and field offices.

Evaluation of Program Effectiveness

In general, a participating State will determine which equipment and drivers to inspect using two separate techniques; a prescribed visual selection procedure, conducted routinely and a modified random sampling procedure, conducted periodically. The visual selection procedure will assist State forces in the identification and removal of unsafe vehicles and drivers from the public highways while the modified random sampling procedure will, in addition, provide useful information for making statistical projections.

Overall, the evaluation will demonstrate the extent to which benefits can be obtained and determine if the program is effective in promoting a decline in the number of unsafe vehicles and drivers operating on the public highways. It is recognized that the planned 3-year demonstration period may be too short to establish a trend in accident reduction and related fatalities, injuries, and property damage associated with interstate trucks. However, an inference can be drawn that upon demonstrating a decline in the number (and percentages) of unsafe drivers and pieces of equipment and overweight vehicles identified during the course of the program's life, a positive influence will have been made by encouraging motor carriers to promote their own safety programs. The program's time frame may be better suited for evaluation of intrastate operations and such evaluation will be undertaken as well. Moreover, successful weighing and inspection results will substantiate any increased benefits that may be derived from a State's adoption of consistent safety standards for both intrastate and interstate motor carrier commerce.

A State will collect information which will be evaluated to determine if the program:

1. Increases the detection and removal of overweight trucks operating on the public highways;
2. Increases the detection and removal of mechanically unsafe trucks operating on the public highways;
3. Increases the detection and removal of unsafe truck drivers violating qualifications and driving limitations;
4. Increases highway safety and reduces the frequency and severity of truck-involved accidents, particularly those relating to intrastate operations;
5. Decreases road damage/axle load ratios to protect an already substantial investment in the Nation's highways; and
6. Increases awareness and activity of motor carriers to adopt and enforce consistent safety standards for both intrastate and interstate motor carrier commerce.

Moreover, the Demonstration Program will be evaluated to determine if a participating State can realize sufficient additional revenues from discovery and prosecution of parties operating unsafe or overweight commercial trucks in violation of State law to aid in offsetting the program's costs.

Selection of States

This Notice shall serve as the formal invitation for States, interested in participating in the Demonstration Program, to accept in writing.

In addition to a State's willingness to participate in the program, a State must have certain capabilities. These capabilities must exist prior to the signing of a cooperative agreement with the FHWA.

To assist the FHWA in determining if a State is interested and tentatively qualified, a State should determine if it has:

1. A core staff of personnel conducting truck weighing and driver/equipment inspection activities;
2. Fixed weighing facilities (permanent scales) with parking space to accomodate trucks removed from the public highways;
3. Authority to require off-loading of overweight trucks operating in violation of State law;
4. Adopted, as a minimum, the Federal Motor Carrier Safety Regulations (FMCSR) 49 CFR, Parts 390 through 397;
5. Authority to require both private and for-hire carriers operating within its boundaries to comply with its motor carrier safety laws and regulations;
6. Authority to impose penalties (fines and other sanctions) for trucks and drivers found to be operating in violation of its laws and regulations; and
7. A management information system and personnel capable of providing weighing, inspection and accident data.

Each State indicating its belief that it can respond affirmatively to all of the above items will be placed on a Candidate State List. Candidate States will receive a request for proposal (RFP) containing additional program information. After receipt of the RFP, a Candidate State will be requested to submit a formal plan illustrating how it would intend to achieve the program's objectives and perform the required tasks. A Candidate State's detailed plan will be evaluated by the FHWA in conformance with the evaluation criteria contained in the RFP. Candidate States which successfully meet the evaluation criteria will enter into negotiations with the FHWA. Subsequent to these negotiations, one to three States will be selected for participation in the Demonstration Program.

A State may determine that it does not have all of the capabilities at this time, but would be willing to acquire them. In this case, a State is requested to indicate the date by which the presently lacking capability would exist. These States will receive an RFP with an indication of the capability to be corrected and other pertinent stipulations. The FHWA can give no assurance that a State, upon merely correcting a specific deficiency will ultimately participate in the Demonstration Program. As indicated previously, a participant State will be selected based upon further evaluation and negotiation with the FHWA.

A State, upon not accepting within the specified time limit, will be considered as disinterested and will not receive further consideration in the Demonstration Program.

If this invitation is accepted, it must be in writing, signed by a singularly responsible State official, and submitted on or before February 5, 1979. All replies will be acknowledged.

State acceptances shall be forwarded to Robert A. Kaye, Director, Bureau of Motor Carrier Safety, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

(49 U.S.C. 304, 49 U.S.C. 1655, 49 CFR 1.48.)

Issued on: December 29, 1978.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc. 79-338 Filed 1-3-79; 8:45 am]

[4910-06-M]

Federal Railroad Administration

MINORITY BUSINESS RESOURCE CENTER ADVISORY COMMITTEE

Meeting

Pursuant to section 19(a) and (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 Minority Business Resource Center Advisory Committee to be held January 26, 1979, at 10 a.m. until 3 p.m. at the Department of Transportation, 400 Seventh Street, Southwest, Room 4234, Washington, DC 20590.

The agenda for the meeting is as follows:

- Expanding Market Opportunities
- MBRC Interim Assesment of Program Needs

Attendance is open to the interested public but limited to the 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 the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Mr. Harvey C. Jones, Advisory Committee Staff Assistant, Minority Business Resource Center, Federal Railroad Administration, 400 Seventh Street, Southwest, Washington, DC 20590, telephone (202) 472-2449. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on December 27, 1978.

KENNETH E. BOLTON,
Director.

[FR Doc. 79-365 Filed 1-3-79; 8:45 am]

[4910-60-M]

Materials Transportation Bureau

APPLICATIONS FOR EXEMPTIONS

Grants and Denials

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemption granted November 1978. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1-Motor vehicle, 2-Rail freight, 3-Cargo-vessel, 4-Cargo-only aircraft, 5-Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		RENEWALS		
868-X	DOT-E 868	U.S. Department of Defense, Washington, D.C.	49 CFR 173.3(a), 173.7(a), 174.8, 174.10, 174.104(f).	To authorize shipment of certain Class A and Class B explosives without certain carrier inspections. (modes 1, 2)
970-X	DOT-E 970	U.S. Department of Defense, Washington, D.C.	49 CFR 173.21(b), 173.300, 173.301:	To ship a flammable poisonous gas in DOT Specification 3AA2015 or 3AA2400 cylinders. (modes 1, 2)
2462-X	DOT-E 2462	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.73(b)	To ship a Class A explosive in glass bottles overpacked in wooden boxes. (mode 1)
2913-X	DOT-E 2913	U.S. Department of Energy, Washington, D.C.	49 CFR 172.101, 173.34(d), 173.301.	To ship certain nonliquefied compressed gases in non-DOT specification metal cylinders. (modes 1, 4)
3142-X	DOT-E 3142	U.S. Department of Energy, Washington, D.C.	49 CFR 173.24(a)(1)	To ship nonflammable compressed gases in a DOT Specification 3A1800 or 3A2000 cylinders as part of a leak calibration apparatus. (modes 1, 2)
4453-X	DOT-E 4453	W. A. Murphy, Inc., El Monte, Calif., Austin Powder Co., Cleveland, Ohio; Monsanto, Co., St. Louis, Mo.; Strawn Explosives, Inc., Dallas, Tex.	49 CFR 173.182(c)	To ship nitro carbo nitrate in a non-DOT specification bulk, hopper-type tank. (mode 1)
4612-X	DOT-E 4612	MC/B Manufacturing Chemists, Norwood, Ohio;.	49 CFR Part 173	To ship certain hazardous materials in small quantities in inside glass bottles in metal cans overpacked in DOT-12B boxes. (mode 1)
4631-X	DOT-E 4631	Energy Sciences and Consultants, Inc., Biwabik, Minn.	49 CFR 173.182(c), 173.304(a)	To ship an oxidizing material and a nonflammable compressed gas in non-DOT hopper type tank trucks and cargo tank trailers, and a non-DOT pressure vessel, respectively. (mode 1)
4717-X	DOT-E 4717	Stauffer Chemical Co., Westport, Conn	49 CFR 172.101, 173.314(c)	To ship a flammable liquefied compressed gas in a non-DOT specification tank car. (mode 2)
5232-X	DOT-E 5232	E. I. du Pont de Nemours & Co.; Inc., Wilmington, Del.	49 CFR 173.314(c) table	To ship certain flammable and nonflammable liquefied compressed gases in AAR Specification 120A300W tank cars, and DOT-105A600-W tank cars. (mode 2)
5365-X	DOT-E 5365	Sun-O-Lin Chemical Co., Claymont, Del	49 CFR 172.101, 173.315(a)	To ship a flammable gas in non-DOT specification cargo tanks. (mode 1)
5493-X	DOT-E 5493	Montana Sulfur and Chemical Co., Billings, Mont.	49 CFR 172.504(a), 173.314(c)	To ship a flammable gas in DOT Specification 105A600W tank cars. (mode 2)
5736-X	DOT-E 5736	Stauffer Chemical Co., Westport, Conn	49 CFR 172.101, 173.314(c)	To ship a flammable gas in two non-DOT specification tank cars. (modes 2, 3)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		RENEWALS—Continued		
5852-X	DOT-E 5852	Gas Incorporated, Lowell, Mass.; Philadelphia Gas Works, Philadelphia, Pa.	49 CFR 172.101, 173.315(a)	To ship certain flammable liquefied compressed gases in a non-DOT Specification insulated cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (mode 2)
5944-X	DOT-E 5944	Dow Chemical U.S.A., Midland, Mich	49 CFR 172.101, 173.315(a)(1)	To ship a flammable liquefied compressed gas in a non-DOT specification cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (mode 1)
5972-X	DOT-E 5972	E. I. du Pont de Nemours and Co., Inc., Wilmington, Del.	49 CFR 173.119(b), 173.125, 173.128; 46 CFR 98.35.	To ship certain flammable and combustible liquids in a non-DOT portable tank. (modes 1, 3)
6016-X	DOT-E 6016	Guttman Supply Co., Belle Vernon, Pa	49 CFR 173.315(a)	To ship certain non-flammable gases in a non-DOT specification portable tank designed and constructed in accordance with Section VIII of ASME Code. (mode 1)
6066-X	DOT-E 6066	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.119, 173.125; 46 CFR 98.35.	To ship certain flammable and combustible liquids in non-DOT specification portable tanks. (modes 1, 3)
6071-X	DOT-E 6071	Walter Kidde and Company, Inc., Belleville, N.J.	49 CFR 173.304, 173.305, 175.3	To ship a nonflammable compressed gas in non-DOT specification stainless steel pressure vessel complying with DOT Specification 4DA with certain exceptions. (modes 1, 2, 4, 5)
6117-X	DOT-E 6117	Montana Sulphur and Chemical Co., Billings, Mont.	49 CFR 172.504, 173.314(c)	To ship hydrogen sulfide in DOT Specification 105A600W and AAR proposed Specification 120A600W tank car. (mode 1)
6231-X	DOT-E 6231	Lox Equipment Co., Livermore, Calif	49 CFR 172.101, 173.314(c)	To manufacture, mark and sell non-DOT specification insulated tank car tanks for shipment of a flammable compressed gas. (mode 2)
6267-P	DOT-E 6267	Alden Leeds, Inc., South Kearney, N.J	49 CFR 173.217(a)	To become a party to Exemption 6267. (See Application No. 6267-X). (modes 1, 2, 3)
6397-P	DOT-E 6397	USS Agri-Chemicals, Atlanta, Ga	49 CFR 173.346(a)	To become a party to Exemption 6397. (See Application No. 6397-X). (modes 1, 2)
6453-X	DOT-E 6453	General Motors Corp., Warren, Mich	49 CFR 173.302(a)(1), 175.3	To ship certain nonflammable compressed gases in a non-refillable, welded steel cylinder built in compliance with DOT Specification 39 with certain exceptions. (modes 1, 2, 4, 5)
6466-X	DOT-E 6466	Ensign Bickford Co., St. Simsburg, Conn.	49 CFR 173.64(a)(1), 173.87	To ship a Class A explosive in DOT Specification 12H fiberboard boxes. (mode 1)
6518-X	DOT-E 6518	Union Carbide Corp., Bound Brook, N.J.; Stauffer Chemical Co., Westport, Conn.	49 CFR 172.101, 173.134(a)(5), 173.154, 172.302.	To ship a flammable liquid, or solid in non-DOT specification steel portable tanks. (modes 1, 3)
6536-X	DOT-E 6536	Delmarva Power and Light Co., Wilmington, Del.	49 CFR 172.101, 173.315(a)	To ship certain flammable and nonflammable gases in a non-DOT Specification cargo tank. (mode 1)
6538-X	DOT-E 6538	Wonder Corporation of America, Stamford, Conn.; Aladdin Industries, Inc., Nashville, Tenn.	49 CFR 173.304(d)(3)(ii), 178.33.	To ship a certain flammable gas in non-DOT specification inside metal containers comparable to DOT Specification 2P. (modes 1, 3)
6554-X	DOT-E 6554	Coastal Industries, Inc., Carlstadt, N.J., Georgia-Pacific Corp., Montebello, Calif.	49 CFR 173.154, 173.217	To ship certain dry oxidizing materials in non-DOT single-trip, molded, removable head, polyethylene containers. (modes 1, 2, 3)
6556-X	DOT-E 6556	Castle and Cooke, Inc., San Francisco, Calif.	49 CFR 173.132	To ship a flammable liquid in a non-DOT specification single compartment portable tank. (modes 1, 3)
6563-X	DOT-E 6536	Mada Medical Products Inc., Garfield N.J., Liquid Carbonic Corp., Chicago, Ill.; Vital Air Oxygen Co., Cleveland, Ohio.	49 CFR 173.302(a)(1), 175.3	To ship certain nonliquefied, nonflammable compressed gases in a non-DOT specification steel cylinder made in compliance with DOT Specification 3E with certain exceptions. (modes 1, 2, 3, 4, 5)
6569-X	DOT-E 6569	The Blue Star Line, Inc., San Francisco, Calif.; Bacardi International, Limited, Hamilton, Bermuda; Bacardi and Company, Limited, Nassau, Bahamas.	49 CFR 173.119(b)	To ship certain flammable liquids in a non-DOT specification portable tank. (modes 1, 2, 3)
6602-X	DOT-E 6602	Dow Chemical Co., Midland, Mich	49 CFR 173.245(a), 173.314(c), 173.315(a)(1).	To ship certain corrosive liquids and nonflammable compressed gases in DOT Specification MC-331 tank motor vehicles and DOT Specification 105A500W tank cars or 106A50X tanks. (modes 1, 2)
6606-X	DOT-E 6606	Stauffer Chemical Co., Westport, Conn	49 CFR 173.358(a)(2)	To ship a certain Class B poisonous liquid in a DOT Specification 17C steel drum with an inside DOT Specification 2SL polyethylene container. (modes 1, 3)
6651-X	DOT-E 6651	Heatbath Corp., Springfield, Mass.; Park Chemical Co., Detroit, Mich.	49 CFR 173.28 (h), (m)	To ship a certain Class B poisonous solid in DOT Specification 37A metal drums under certain requalification requirements. (mode 2)
6653-X	DOT-E 6653	Shell Oil Co., Houston, Tex	49 CFR 173.245, 173.358	To ship a poison B liquid or corrosive material in inside polyethylene containers overpacked in DOT Specification 6D removable head cylindrical steel overpack. (modes 1, 2, 3)
6743-X	DOT-E 6743	Atlas Powder Co., Dallas, Tex	49 CFR 173.182	To ship an oxidizing material in DOT Specification 56 portable tanks. (mode 1)
6751-X	DOT-E 6751	Dow Chemical Co, Pittsburg, Calif	49 CFR 173.263(a)(10), 173.249(a)(6).	To ship certain corrosive liquids in a non-DOT specification fiberglass reinforced plastic cargo tank. (mode 1)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		RENEWALS—Continued		
6772-X	DOT-E 6772	Monsanto Co., St. Louis, Mo	49 CFR 173.119(a)(22), 173.245, 173.264(a), 173.346, 173.349, 173.369.	To ship certain flammable liquids, corrosive liquids and poisonous liquids in inside glass or compatible plastic bottles or metal cans overpacked in DOT Specification 17H steel drums. (mode 1)
6774-X	DOT-E 6774	The Boeing Co., Seattle, Wash	49 CFR 173.302(a)(2), 175.3	To ship a nonflammable gas in a non-DOT specification cylinder complying with DOT Specification 3HT with certain exceptions. (modes 1, 4)
6816-X	DOT-E 6816	U.S. Department of Defense, Washington, D.C.	49 CFR 173.53(p)	To ship certain rocket ammunition equipped with liquid engines. (modes 1, 2, 3)
6844-X	DOT-E 6844	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.249a	To ship a certain corrosive liquid in a non-DOT Specification single-trip polyethylene container overpacked in a strong wooden box. (modes 1, 2, 3)
6847-X	DOT-E 6847	Olin Corp., Stamford, Conn	49 CFR 173.346(a)	To ship certain Class B poisons in a non-DOT Specification steel portable tank. (modes 1, 3)
6929-X	DOT-E 6929	U.S. Department of Energy, Washington, D.C.	49 CFR 173.88(e) (2)(ii), 173.92(b).	To ship a certain rocket motor, Class B explosive in a propulsive state. (modes 1, 3)
6949-X	DOT-E 6949	Monsanto Co., St. Louis, Mo.; FMC Corp., Philadelphia, Pa.	49 CFR 173.190(b)(4)	To ship a certain flammable solid in marine portable tanks. (modes 1, 2, 3)
7005-P	DOT-E 7005	Transcontainer Leasing, S.A., Geneva, Switzerland; Logemafer, S.A., Paris, France.	49 CFR Parts 173; 46 CFR 90.05-3.	To become a party to Exemption 7005. (See Application No. 7005-X). (modes 1, 3)
7041-X	DOT-E 7041	Ethyl Corp., Baton Rouge, La	49 CFR 173.134(a)(6)	To ship a flammable liquid in non-DOT specification cargo tank. (mode 1)
7052-X	DOT-E 7052	U.S. Department of Defense, Washington, D.C.	49 CFR 172.101, 173.206(e)(1), 175.3.	To ship lithium batteries subject to certain qualification and specialized packaging. (modes 1, 2, 3, 4)
7052-P	DOT-E 7052	Ultra Energy Inc., El Paso, Tex	49 CFR 172.101, 173.206(e)(1), 175.3.	To become a party to Exemption 7052. (See Application No. 7052-X). (modes 1, 2, 3, 4)
7096-X	DOT-E 7096	Fike Metal Products Corp., Blue Springs, Mo.	49 CFR 173.304(a)(1), 178.55	To ship a certain nonflammable liquefied compressed gas in an non-DOT specification cylinder. (modes 1, 2, 3)
7206-X	DOT-E 7206	Ruan Transport Corp., Des Moines, Iowa	49 CFR 173.245(a)	To transport certain corrosive liquids in non-DOT specification stainless steel cargo tanks. (mode 1)
7529-X	DOT-E 7529	Airesearch Manufacturing Company of Phoenix, Ariz.	49 CFR 173.302(a)(4), 175.3	To ship nonflammable gas assemblies in non-DOT specification welded steel pressure vessels. (modes 1, 4)
7597-X	DOT-E 7597	Riverside Chemical Co., Memphis, Tenn., Southland Agricultural Chemicals, Montgomery, Ala.	49 CFR 173.358, 173.359	To ship certain Class B poisons in DOT specification 17E steel drums. (mode 1)
7607-P	DOT-E 7607	Dow Chemical Co., Freeport, Tex	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (See Application No. 7607-X). (mode 4)
7625-X	DOT-E 7625	Hydrite Chemical Co., Milwaukee, Wis	49 CFR 173.245, 173.249, 173.263, 173,268, 173.272.	To ship certain corrosive liquids in DOT Specification 56 portable tanks. (mode 1)
7665-X	DOT-E 7665	Phillips Petroleum Co., Lafayette, La	46 CFR 90.05-35; 49 CFR 173.119.	To ship combustible or flammable unrefined petroleum in non-DOT specification portable tanks. (mode 3)
7671-X	DOT-E 7671	Hugonnet, S.A., Paris, France	46 CFR 90.05-35; 49 CFR Parts 173.	To ship certain hazardous materials in non-DOT specification portable tanks. (modes 1, 2, 3)
7695-X	DOT-E 7695	Orval-Manutention, Paris, France; Lowaco S.A., Geneva, Switzerland.	46 CFR 90.05-35; 49 CFR Parts 173.	To ship certain hazardous materials in a non-DOT insulated portable tank. (modes 1, 3)
7695-P	DOT-E 7695	Transcontainer Leasing, S.A., Paris, France.	46 CFR 90.05-35; 49 CFR Parts 173.	To become a party to exemption 7695. (See Application No. 7695-X). (modes 1, 3)
7725-X	DOT-E 7725	Economics Laboratory, Inc., St. Paul, Minn.	49 CFR 172.201(a)(3)	To allow the shipping description on shipping papers to contain coded information. (modes 1, 2, 3, 4, 5)
7778-X	DOT-E 7778	Schenley Industries, Inc., New York, NY.	49 CFR 172.400(a), Appendix B to Subpart B, Part 107, Subpart B.	To ship certain alcohol, n.o.s. in DOT Specification 10B barrels or non-DOT specification barrels. (modes 1, 2)
7802-X	DOT-E 7802	Bennett Industries, Pacoima, Calif	49 CFR Part 173, Subpart F; 49 CFR Part 173, Subpart D; 178.19.	To manufacture, mark and sell non-DOT specification removable head molded polyethylene containers for shipment of corrosive liquids and flammable liquids. (modes 1, 2, 3)
7820-X	DOT-E 7820	Hugonnet, S.A., Paris, France; Eurotainer, Paris, France; Lowaco, S.A., Geneva, Switzerland.	46 CFR 90.05-35; 49 CFR 173.119, 173.125, 173.131(a), 173.132(a), 173.145(a), 173.346(a).	To ship certain corrosive liquids, flammable liquids, poison B liquids, and combustible liquids in non-DOT specification IMCO Type II insulated portable tanks. (modes 1, 2, 3)
7820-P	DOT-E 7820	Transcontainer Leasing, S.A., Geneva, Switzerland.	49 CFR 90.05-35; 49 CFR Parts 173.	To become a party to Exemption 7820. (See Application No. 7820-X)
7864-X	DOT-E 7864	Mine Safety Appliances Co., Pittsburgh, Pa.	49 CFR 173.202	To ship a flammable solid in DOT Specification 4BW 240 cylinders. (modes 1, 2, 3)
7876-X	DOT-E 7876	Allied Chemical Corp., Morristown, N.J	49 CFR 173.299(a)	To ship corrosive materials described as etching acid, liquid. (modes 1, 2, 3, 4)
7923-X	DOT-E 7923	Allied Chemical Corp., Mounts Clemens, Mich.	49 CFR 173.302(a)(1), 178.65	To ship a nonflammable compressed gas in a non-DOT specification steel cylinder. (mode 1)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		NEW EXEMPTIONS		
7658-N	DOT-E 7658	Spectro Industries, Inc., Jenkintown, Pa.	49 CFR 173.1200	To ship ORM-D items on a fiberboard tray with entire tray shrink wrapped in a polyethylene film. (mode 1)
7962-N	DOT-E 7962	DuBois Chemicals, Cincinnati, Ohio	49 CFR 173.256	To ship a liquid cleaning compound in a DOT Specification 37M/2U composite container. (modes 1, 2)
7983-N	DOT-E 7983	Union Carbide Corp., New York, N.Y.	49 CFR Part 107, Appendix B; Parts 171-178.	To ship miniature batteries containing lithium metal essentially exempt from the hazardous materials regulations. (modes 1, 2, 3, 4, 5)
7997-N	DOT-E 7997	Dow Chemical Co., Midland, Mich.	49 CFR 173.245	To ship a certain corrosive liquid in a DOT Specification MC-312/ISO type lead lined portable tank by highway and vessel. (modes 1, 3)
7999-N	DOT-E 7999	Caterpillar Tractor Co., Peoria, Ill.	49 CFR 172.101, 172.200, 172.300, 176.905.	To ship motor vehicles containing up to 110 gallons of fuel classed as combustible liquids in the fuel tanks, as othewise nonregulated items. (mode 3)
8002-N	DOT-E 8002	Bignier Schmid-Laurent, Paris, France	46 CFR 90.05-35; 49 CFR Parts 173.	To ship flammable liquids, corrosive materials, poison B liquids, combustible liquids, and ORM-A materials in non-DOT specification IMCO Type 2 portable tanks. (modes 1, 3)
8006-N	DOT-E 8006	Kilgore Corp., Tonne, Tenn	49 CFR 172.400(a), 172.504	To ship a Class C explosive without labels and placards. (mode 1)
8013-N	DOT-E 8013	Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 173.302, 173.304, 175.3	To ship certain nonliquefied flammable and nonflammable gases in a DOT 4E240 specification cylinder. (modes 1, 4, 5)
8014-N	DOT-E 8014	Dow Chemical Co., Midland, Mich.	49 CFR 173.353(a) (2)	To ship a certain Class B poisonous liquid in certain metal cans overpacked in DOT Specification 12A fiberboard boxes. (modes 1, 2, 3)
8016-N	DOT-E 8016	Forest Service, USDA, Washington, D.C.	49 CFR 175.3, 175.30, 175.35, 175.40, 175.75.	To ship certain explosives in passenger-carrying aircraft for firefighting purposes. (mode 5)
8027-N	DOT-E 8027	Carrier International Corp., Syracuse, N.Y.	49 CFR 172.101	To ship air conditioning machines described as "air conditioning machines" as an alternative to "refrigerating machine." (modes 1, 2, 3)
8040-N	DOT-E 8040	Mobil Chemical Co., Richmond, Va.	49 CFR Part 107, Appendix B and Parts 170-178.	To ship a specific brand of di-(2-ethyl hexyl) phosphoric acid as a deregulated noncorrosive material. (modes 1, 2, 4, 5)
8064-N	DOT-E 8064	GTE Sylvania, Needham, Heights	49 CFR 173.247(a) (9)	To ship a corrosive liquid in DOT Specification 5C metal drums. (modes 1, 2, 3)
8094-N	DOT-E 8094	Milport Chemical Co., Milwaukee, Wis.	49 CFR 173.245, 173.249, 173.263, 173.268, 173.272.	To ship certain oxidizers and corrosive liquids in a DOT Specification 56 tank. (mode 1)
		EMERGENCY EXEMPTIONS Applications Received and Granted		
EE8102-N	DOT-E 8012	Flying Tiger Line, Los Angeles, Calif.	49 CFR 172.101, 175.30(a)(1)	To transport ammunition for cannon and explosive components via cargo-only aircraft. (mode 4)
EE8103-N	DOT-E 8103	Alaska International Air, Fairbanks, Alaska.	49 CFR 172.101, 175.30(a)(1)	To transport a corrosive material in DOT Specification 60 portable tank. (mode 4)

DENIALS

5107-P: Request by Thio-Pet Chemicals Ltd., Edmonton, Alberta—To become a party to Exemption 5107 for shipment of hydrogen sulfide in certain DOT Specification 105A600W tank car tanks, denied November 21, 1978.

EE6611-P: Request by Cities Service Co., Tulsa, Okla.—For an emergency exemption to become a party to Exemption 6611 for shipment of helium in a non-DOT specification insulated portable tank, denied November 8, 1978.

7813-X: Request by Grove, Jaskiewiz, Gillian and Cobert, Washington, D.C.—To ship a corrosive material in DOT Specification 21C fiber drums, denied November 6, 1978 as being unnecessary.

7873-N: Request by Solchem Inc., New York, N.Y.—To ship liquid methyl bromide in non-DOT specification portable tanks by cargo vessel and motor vehicle, denied November 3, 1978.

7881-X: Request by FMC Corp., Philadelphia, Pa.—To stow a corrosive solid, n.o.s under deck when transported by vessel, denied November 30, 1978. (HM-139 obviates the need)

7956-N: Request by Israel Aircraft Industries Ltd., Beer-Sheba, Israel—To ship liquid methyl bromide in non-DOT specification portable tanks by cargo vessel, motor vehicle and rail freight, denied November 3, 1978.

7980-N: Request by Applied Equipment Co., Van Nuys, Calif.—For reconsideration of denial of application to authorize use of a welded cylinder patterned after the DOT 3HT specification cylinder in a portable emergency lift support system, denied November 16, 1978.

8022-N: Request by Magnavox Government & Industrial Electronics Co., Mahwah, N.J.—To ship by air without labeling and shipping paper description of a device containing a battery with potassium hydroxide, denied November 6, 1978.

8032-N: Request by Degussa, Frankfurt, Germany—To ship acrolein in non-DOT specification portable tanks, denied November 21, 1978.

8048-N: Request by Amoco Production Company, Tulsa, Okla.—To ship gas/oil samples in non-DOT specification gas storage cylinders made to Mil C-5586D specification, denied November 22, 1978.

EE8104-N: Request by General Electric Company, Pleasanton, Calif.—For use of The G. E. Model 8500 as a Type A shipping container for the purpose of export shipments, denied November 9, 1978.

WITHDRAWALS

5107-P Request by Stauffer Chemical Company, Westport, Conn.—To ship hydrogen sulfide in certain DOT Specification 105A600W tank car tanks, withdrawn November 21, 1978.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-339 Filed 1-3-79; 8:45 am]

[1505-01-M]

Urban Mass Transportation Administration

[Attachment to UMTA Circular 9050.1]

URBANIZED AREA FORMULA APPORTIONMENTS

Correction

In FR Doc. 78-34827, appearing at page 58935, in the issue for Monday, December 18, 1978, make the following changes:

1. On Page 58939, in the table at the bottom of the page, in the second column under "Apportionment basis", the heading reading, "Business and related capital expenses" should be corrected to read "Bus and related expenses"

2. On page 58940, in the table, in the second column under "Apportionment basis" the heading reading "Business and related capital expenses" should be corrected to read "Bus and related capital expenses"

3. On page 58940, in the table, the entry under "All areas population and population density" for Harrisburg should be corrected to read, "$1,485, 556"

4. On page 58940, in the table, the city "Hardford" should be corrected to read "Hartford"

5. On page 58941, in the table in the top half of the page, in the second column under "Apportionment basis", the heading reading, "Business and related capital expenses" should be corrected to read "Bus and related capital expenses"

6. On page 58941, in the table in the top half of the page, in the second column under the heading "All areas population and population density", the entry for Washington, "(Part: Virginia)" which reads "$4,386,402" should be corrected to read "$4,386,403"

7. On page 58941, in the table in the bottom half of the page, the entry under "Total apportionment" for Anniston which reads, "$418,924" should be corrected to read "$410,924"

8. On page 58941, in the table in the bottom half of the page, the entry under "Total apportionment" for Pine Bluff which reads "$538,510" should be corrected to read "$530,510"

9. On page 58941, in the table in the bottom half of the page, the entry under "Total apportionment" for Stockton which reads "$1,496,992" should be corrected to read "$1,498,992"

10. On page 58941, in the table in the bottom half of the page, the entry under "Total apportionment" for Waterbury which reads "$1,305,678" should be corrected to read "$1,305,878"

11. On page 58941, in the table in the bottom half of the page, the city "Bakerfield" should be corrected to read "Bakersfield"

12. On page 58942, in the table, in the second column under "Apportionment basis" the heading reading, "Business and related capital expenses" should be corrected to read "Bus and related capital expenses"

13. On page 58943, in the table, in the second column under "Apportionment basis" the heading reading, "Business and related capital expenses" should be corrected to read "Bus and related capital expenses"

14. On page 58943, in the table, the entry under "Business and related capital expenses" for Jackson, Mississippi which reads $338,203" should be corrected to read "$388,203"

15. On page 58944, in the table, in the second column under "Apportionment basis" the heading reading, "Business and related capital expenses" should be corrected to read "Bus and related capital expenses"

[4810-33-M]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Reg. Z]

TRUTH IN LENDING

Joint Notice of Statement of Enforcement Policy

CROSS REFERENCE: For a notice of statement of enforcement policy regarding truth in lending, Regulation Z, issued jointly by 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, see FR Doc. 79-340 in the "Notices" section of this issue. Refer to the table of contents under "Federal Reserve Board" for the correct page number.

[4810-22-M]

Office of the Secretary

SPUN ACRYLIC YARN FROM JAPAN

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of spun acrylic yarn from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market or the constructed value.

EFFECTIVE DATE: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Operations Officer, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On November 22, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel representing the American Yarn Spinners Association, Gastonia, North Carolina, indicating the possibility that the subject merchandise from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

For purposes of this investigation, the term "spun acrylic yarn" means spun yarn of acrylic, provided for in item 310.50, Tariff Schedules of the United States.

Pricing information was supplied by petitioner for yarn sold to the United States and to the Japanese home market which indicates that there may be less than fair value margins of as much as 58 percent. The petitioner has also supplied information pursuant to section 205(b) of the Act (19 U.S.C. 164(b)), indicating that sales in the home market may be below the cost of production. Accordingly, petitioner constructed the value of spun acrylic yarn produced in Japan and, in comparison with a representative export price to the United States, arrived at an alleged less than fair value margin of 86 percent. Since petitioner has presented sufficient evidence to support the claim of below-cost sales, the investigation will include not only

price-to-price comparisons but will also seek to determine (1) whether there have been sales made in the home market at less than the cost of production over an extended period of time and in substantial quantities and (2) whether such sales were not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade. If there have been such sales, those sales will be disregarded in the determination of foreign market value. If insufficient sales in the home market or to third countries remain at not less than the cost of production, then the constructed value will be employed as the basis of fair value.

There is evidence on record concerning injury or likelihood of injury to an industry in the United States that produces spun acrylic yarns. This information indicates that imports of spun acrylic yarns from Japan are underselling domestic spun acrylic yarn by margins of up to 24 percent, which is fully accounted for by the alleged dumping margins. Imports of spun acrylic yarn from Japan have increased in both absolute and relative terms. Although the Agreement Regarding International Trade in Textiles (MFA) imposed a restraint on the quantities of acrylic yarn which could enter the United States from Japan, the petition indicates that the level of imports in 1978 will substantially exceed that of the previous year. More importantly, the restraint agreement will expire at the end of 1978 unless extended. In any event, the mere existence of such an agreement is not necessarily a basis for determining that sales at substantial margins below fair vlaue cannot result in or threaten injury to the domestic industry.

In addition, domestic production, capacity utilization and sales, which had declined from 1973 to 1976 but had begun to recover in 1976, have failed to continue to increase with increased domestic demand. Furthermore, petitioner's profitability in the production of spun acrylic yarn has failed to improve and employment in the petitioner's plants have been affected by lost sales.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is being published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

DECEMBER 28, 1978.

[FR Doc. 79-361 Filed 1-3-79; 8:45 am]

[4830-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 78-22]

HAROLD PRINTUP, JR., KEOGH PLAN

Exemption From the Prohibitions Respecting a Transaction

AGENCY: Department of the Treasury/Internal Revenue Service.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables Harold Printup, Jr. (the Employer) to purchase certain real property from the Harold Printup, Jr. Keogh Plan (the Plan).

FOR FURTHER INFORMATION CONTACT:

Ivan Strasfeld, Prohibited Transactions and Projects Section, Employee Plans Technical Branch, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, Attention: E:EP:PT:2, (202) 566-3045. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On November 7, 1978, notice was published in the FEDERAL REGISTER (43 FR 51889) of the pendency before the Internal Revenue Service (the Service) of an exemption from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code for a transaction described in an application filed on behalf of the Employer.

The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Service in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Service. In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Service.

TAX CONSEQUENCES OF TRANSACTION

The purchase of a plan asset by the employer for an amount in excess of its fair market value will constitute a contribution to the plan to the extent of such excess. The deductibility of such a contribution by the employer must be determined in accordance with generally applicable Federal income tax rules.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply, nor does the fact that the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction; and

(4) This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978, (43 FR 22319).

EXEMPTION

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Service makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plan and of the participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

Accordingly, the following exemption is hereby granted under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26.

The taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale of

real property by the Plan to the Employer, Harold Printup, Jr., for $19,900 cash.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, DC, this 28th day of December, 1978.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

[FR Doc. 78-36473 Filed 12-20-78; 8:45 am]

[4830-01-M]

[Prohibited Transaction Exemption 78-21]

HENRY E. STORINO, M.D., SELF-EMPLOYED RETIREMENT PLAN

Exemption From the Prohibitions Relating to a Transaction

AGENCY: Department of the Treasury/Internal Revenue Service.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables Dr. Henry E. Storino, M.D. (the Employer) to purchase certain real estate from the Henry E. Storino, M.D., Self-Employed Retirement Plan's Trust (the Plan).

FOR FURTHER INFORMATION CONTACT:

Pete Knox, Prohibited Transactions and Projects Section, Employee Plans Technical Branch, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, Attn: E:EP:T:10, (202) 566-6761. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On November 8, 1978, notice was published in the FEDERAL REGISTER (43 FR 52086) of the pendency before the Internal Revenue Service (the Service) of an exemption from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code for a transaction described in the application submitted by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Service in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Service. One favorable comment was received. In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No request for a hearing was received by the Service.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply, nor does the fact that the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction;

(4) This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978, (43 FR 22319).

EXEMPTION

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Service makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plan and of the participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

Accordingly, the following exemption is hereby granted under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26.

The taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the transaction involving the sale of Lot No. 469, Salishan Hills I, Lincoln County, Oregon from the Plan to Dr. Henry E. Storino for $23,500, in cash, provided, however, that the sale price is not less than the fair market value of the property.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, DC, this 28th day of December, 1978.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

[FR Doc. 78-36474 Filed 12-29-78; 8:45 am]

[4810-25-M]

LIST OF COUNTRIES REQUIRING COOPERATION WITH AN INTERNATIONAL BOYCOTT

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). This list is the same as the list published in the September 29, 1978, FEDERAL REGISTER.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

Bahrain
Egypt
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen Arab Republic
Yemen, Peoples Democratic Republic of

Dated: January 2, 1979.

DONALD C. LUBICK,
Assistant Secretary (Tax Policy).

[FR Doc. 79-462 Filed 1-3-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 239]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 27, 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.

NOTE: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 217 (Sub-22TA), filed November 13, 1978. Applicant: POINT TRANSFER, INC., 5075 Navarre Road, S.W., P.O. Box 1441, Station C, Canton, OH 44708. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. *Precast building components and prefabricated building modules, and materials, equipment and supplies* used in the manufacture, erection, and distribution of precast building components and prefabricated building modules, between the facilities of Forest City Dillon Precast Systems, Inc., located in Summit County, OH, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Forest City Dillon Precast Systems, Inc., 1200 Brook Park Road, Cleveland, OH. SEND PROTESTS TO: Franl L. Calvary DS, ICC, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 7840 (Sub-9TA), filed November 15, 1978. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Stret, Watertown, NY 13601. Representative: Roy D. Pinsky, 345 S. Warren Street, Syracuse, NY 13202. (1) *Paper and paper products*, and (2) *Materials, equipment and supplies* used and useful in manufacture and shipping of paper and paper products, (1) from the plantsite of Newton Falls Paper Mill, Inc., at Newton Falls, NY., to points in Connecticut, District of Columbia, Delaware, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Maryland, Maine, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and WV; and (2) from points in named destination states to facilities of Newton Falls Paper Mill, Inc., at Newton Falls, NY., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Newton Falls Paper Mill, Inc., Newton Falls, NY 13666. SEND PROTESTS TO: ICC, U.S. Courthouse & Federal Bldg., 100 S. Clinton Street, Room 1259, Syracuse, NY 13260.

MC 11592 (Sub-22TA), filed November 17, 1978. Applicant: BEST REFRIGERATED EXPRESS, P.O. Box 7365, Omaha, NE 68107. Representative: F. E. Myers (same as above). *Meats, 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, in tank vehicles), from Omaha, NE; Council Bluffs and Oakland, IA; to points in NC, SC, GA, FL, TN, AL, MS and LA, for 180 days. SUPPORTING SHIPPER(S): American Beef Packers, Inc., P.O. Box 518, Oakland, IA 51560. Union Packing Company, Inc., 4501 So. 36th Street, Omaha, NE 68107. Dubuque Packing Company, 4003 Dahlman Avenue, Omaha, NE 68107. Great Plains Beef Co., Inc., 2700 South 23rd Street, Council Bluffs, IA 51501. SEND PROTESTS TO: Carroll Russell, ICC, Suite 620, 110 No. 14th Street, Omaha, NE 68102.

MC 32882 (Sub-102TA), filed November 16, 1978. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: Edward G. Rawle, 1229 N. Blue Gum Avenue, Anaheim, CA 92806. *Insulated building and roofing panels, equipment, materials* and supplies used in the installation thereof, (except commodities in bulk), from the facilities of Panel Eral Corp., at/or near Salt Lake City, UT to points in and west of the States of Minnesota, Iowa, Missouri, Oklahoma, and TX., (except Colorado, Oregon and WA), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Panel Era Corporation, 1857 S. 3850 West, Salt Lake City, UT 84104. SEND PROTESTS TO: R. V. Dubay DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 53965 (Sub-141TA), filed November 15, 1978. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, 2130 South Ohio, Salina, KS 67401. Representative: John E. Jandera, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between Wichita, KS and Pratt, KS: From Wichita over U.S. Highway 54 to Pratt, KS, and return over the same route, serving all intermediate points. Applicant states it intends to tack with Subs 48, 16, 20 and 30 and numerous other subs for direct single line service between the sought points and points in Iowa, Nebraska, Colorado, Texas and MO, for 180 days. Applicant states it intends to interline at Wichita, KS, and other points. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximtely (64) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Thomas P. O'Hara DS, ICC, 256 Federal Building & U.S. Courthouse, 444 SE., Quincy, Topeka, KS 66683.

MC 56244 (Sub-67TA), filed November 16, 1978. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. *Such merchandise* as is dealt in by retail, wholesale, chain grocery, and

food business houses, (except commodities in bulk, and frozen foods), for the account of SSC International, Inc., from points in Penn Township, York County, PA, to points in IL, IN, MI and OH, for 180 days. SUPPORTING SHIPPER(S): SSC International, Inc., Continental Plaza, P.O. Box 825, 401 Hackensack Avenue, Hackensack, NJ 07602. SEND PROTESTS TO: Charles F. Myers DS, ICC, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 63417 (Sub-180TA), filed November 16, 1978. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). *Cans and ends, iron or steel,* from Plymouth, IN to Atlanta, GA, for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): RJR Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102. SEND PROTESTS TO: Paul D. Collins DS, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 74681 (Sub-12TA), filed November 15, 1978. Applicant: STEVENS VAN LINES, INC., 121 South Niagrara Street, Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, Suite 1200, Washington, D.C. 20036. *Wooden wardrobe cabinets, uncrated,* from the facility of Furniture Division-Hoover Universal, Inc., at or near Vernon, AL, to points in NH, MA, CT, RI, NY, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, MS, TN, KY, OH, IN, IL, MI, WI, MN, SD, NE, IA, CO, KS, MO, NM, OK, AR, TX, LA, ME, VT, and the District of Columbia, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Furniture Division, Hoover Universal, Inc., Route 2, Tri Port Road, Georgetown, KY 40324. SEND PROTESTS TO: C. R. Flemming DS, ICC, 225 Federal Bldg., Lansing, MI 48933.

MC 93393 (Sub-20TA), filed November 16, 1978. Applicant: NIGHTWAY TRANSPORTATION CO., 4100 Emerald Avenue, Muncie, IN 47303. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Lard, edible tallow, shortening, vegetable oil shortening, cooking oils and margarine,* from the facilities of Swift & Company at or near Bradley, IL to points in Indiana, Michigan, Ohio and KY., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): John H. Groth Mgr., Claims & Services, Swift & Company, 115 W. Jackson Blvd., Chicago, IL. SEND PROTESTS TO: Lois M. Stahl Trans. Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 96324 (Sub-30TA), filed November 16, 1978. Applicant: GENERAL DELIVERY, INC., 1822 Morgantown Avenue, P.O. Box 1816, Fairmont, WV 26554. Representative: Harold G. Hernly, Jr., 110 S. Columbus Street, Alexandria, VA 22314. *Plastic beverage containers,* From Havre de Grace, MD., to Toledo and Lima, OH; Beckley, WV; and Detroit, MI, and points in their respective commercial zones, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Owens-Illinois, Inc., P.O. Box 1034, Toledo, OH 43666. SEND PROTESTS TO: J. A. Niggemyer DS, ICC, 416 Old Post Office Building, Wheeling, WV 26003.

MC 107403 (Sub-1115TA), filed September 22, 1978, published in the FEDERAL REGISTER issue of November 17, 1978, and republished as corrected this issue. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Rock salt,* in bags, from the Village of Brodhead, Northampton County, PA, to points in NJ, NY, MD AND DE., for 180 days. SUPPORTING SHIPPER(S): International Salt Co., 30 Buxton Farm Road, Stamford, CT 06905. SEND PROTESTS TO: T. M. Esposito Trans. Asst., 6—Arch Street, Room 3238, Philadelphia, PA. 19106. The purpose of this republication is to correct the MC-107403 (Sub-115TA) which should be MC 107403 (Sub-1115TA).

MC 111274 (Sub-32TA), filed November 16, 1978. Applicant: SCHMIDGALL TRANSFER, INC., Route 98, Box 356, Morton, IL 61550. Representative: Fred Schmidgall (same address as applicant). Authority sought to operate as *contract carrier,* by motor vehicle, over irregular routes, transporting: *Natural gas powered engines and materials and components of natural gas powered engines,* between Rockford, IL., on the one hand, and, on the other, Denver, CO., Houston, TX; Tulsa, OK.; Alberta; Houma, LA., and Baltimore, MD; under a continuing contract or contracts, with Mep Industries, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): A. F. George President, Mep Industries, 1111 S. Alpine, Rockford, IL. SEND PROTESTS TO: Charles D. Little DS, ICC 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 113106 (Sub-65TA), filed November 15, 1978. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Avenue, Baltimore, MD 21205. Representative: Chester A. Zyblut, 1030 15th Street, N.W., Washington, D.C. 20005. *Such commodities* as are dealt in by manufacturers of glass and glass products, (except commodities in bulk), from Clearfield, Jefferson and Washington Counties, PA., to Suffolk, Richmond, Danville, Norfold and Williamsburg, VA., and Reidsville, and Eden, NC., and points in their respective commercial zones, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Blaine E. Carlson, Sr., Transportation Analyst., Brockway Glass Company, Inc., McCullough Ave., Brockway, PA 15824. SEND PROTESTS TO: William L. Hughes DS, ICC, 1025 Federal Building,. Baltimore, MD 21201.

MC 113434 (Sub-80TA), Filed November 6, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Wilhelma Boersma, 1600 First Federal Bldg., Detroit, MI 48226. *Such merchandise* as is dealt in by wholesale, retail and chain grocery and feed business houses; (1) Between Clinton and Davenport, IA on the one hand, and points in Indiana, Michigan, Ohio and IL, on the other hand; (2) Between Battle Creek, MI and Lancaster and Sharonville, OH; (3) From Battle Creek, MI and Lancaster and Sharonville, OH to points in Maryland, New Jersey, New York, Pennsylvania, West Virginia and the District of Columbia, and the commercial zones of the named points, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. SEND PROTESTS TO: C. R. Flemming DS, ICC, 225 Federal Building, Lansing, MI 48933.

MC 114301 (Sub-100TA), filed October 31, 1978, published in the FEDERAL REGISTER issue of December 1, 1978, and republished as corrected this issue. Applicant: DELAWARE EXPRESS, CO., P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1511 K St., N.W., Washington, D.C. 20005. *Feed ingredients,* (except in bulk), from Baltimore, MD., to Elkins, N.C., for 180 days. SUPPORTING SHIPPER(S): Patrick Carr Secretary-President, Getkin Associates, Inc., 1701 Swede Road, Norristown, PA. 19401. SEND PROTESTS TO: William L. Hughes DS, ICC, 1025 Federal Bldg., Baltimore, MD. 21201. The purpose of this republication is to correct the territorial description which should read as Elkins, N.C., instead of Elkton, N.C., which was previously published in error.

MC 116273 (Sub-217TA), filed November 16, 1978. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery, 3800 South Laramie Avenue, Cicero, IL 60650. *Indolene (A Test Gasoline)* (in

bulk, in tank vehicles), from River Rouge, MI., to Portland, OR., for 180 days. SUPPORTING SHIPPER(S): Amoco Oil Company, James D. Christen Traffic Analyst, Chicago, IL 60601. SEND PROTESTS TO: Lois M. Stahl Trans. Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 116457 (Sub-38TA), filed November 15, 1978. Applicant: GENERAL TRANSPORTATION, INCORPORATED, 1804 S. 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Representative: D. Parker Crosby, P.O. Box 6484, 1710 S. 27th Avenue, Phoenix, AZ 85005. *Insulation materials, polystyrene products, eurethane products, insulated building panels, wood fibre products, and products, tools, equipment and supplies* used in the installation thereof, (except in bulk, or tank vehicles), from points in Maricopy County, AZ., to California, Utah, Colorado, Oregon, Washington, Idaho, Wyoming, Nevada, New Mexico, Texas, Montana, Oklahoma, Kansas, Nebraska, Michigan, Missouri, Iowa, North Dakota, South Dakota, Louisiana and AR., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): (1) Southwest Distributing Company, 222 S. Date Street, Mesa, AZ. 85201. (2) Arizona Diversified Products, Inc., 22 E., Lincoln St., Phoenix, AZ. 85004. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020 Federal Bldg., 230 N. First Avenue, Phoenix, AZ. 85025.

MC 117730 (Sub-32TA), filed November 16, 1978. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Hospital supplies and drugs,* in vehicles equipped with mechanical refrigeration, (except commodities in bulk), from the facilities of Abbott Laboratories at North Chicago, IL., to Cleveland and Toledo, OH and Pittsburgh, PA., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Abbott Laboratories, William F. Kelly Senior Traffic Specialist, 1400 Sheridan Road, North Chicago, IL 60064. SEND PROTESTS TO: Lois M. Stahl Trans. Asst., ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 119704 (Sub-1TA), filed November 16, 1978. Applicant: R. A. HARRIS & SONS, INC. 3501 22nd Street, Menominee, MI 49858. Representative: Robert A. Harris (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *aluminum Castings, ingots and shavings,* between Peshtigo, WI., on the one hand, and, on the other hand, points in Michigan, Illinois, Indiana and WI., under a continuing contract, or contracts, with Marinette Casting Corp., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER (S): Marinette Casting Corp., P.O. Box 171, Peshtigo, WI. 54157. SEND PROTESTS TO: C. R. Flemming DS, ICC, 225 Federal Building, Lansing, MI 48933.

MC 119741 (Sub-118TA), filed November 17, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC. P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as above). *Frozen foods,* from the facilities of Pet Incorporated, Frozen Foods Division, Benton Harbor, Frankfort, and Hart, MI: to points in CO, IL, IN, IA, KS, MN, MO, NE, ND and SD, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER (S): Pet Incorporated, P.O. Box 392, St. Louis, MO 63166. SEND PROTESTS TO: Herbert W. Allen, ICC, 518 Federal Building, Des Moines, IA 50309

MC 124170 (Sub-105TA), filed November 16, 1978. Applicant: FROSTWAYS, INC. 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. *Such commodities* as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines (except commodities in bulk, in tank vehicles), between the facilities of Heublein, Inc., at or near Paducah, KY., on the one hand, and, on the other, points in the Continental United States, for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER (S): Heublein, Inc., David F. Tucker Trans. Mgr., 330 New Park Avenue, Hartford, CT 06101. SEND PROTESTS TO: Tim Quinn DS, ICC, 604 Federal Bldg., & U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 124774 (Sub-109TA), filed November 17, 1978. Applicant: MIDWEST REFRIGERATED EXRESS, INC. 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Drugs and medicines and feed and feed supplements,* from Pearl River, NY to Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): American Cyanamid, Berdan Avenue, Wayne, NJ 07470. SEND PROTESTS TO: Carroll Russell, ICC, Suite 620, 110 No. 14th Street, Omaha, NE 68102.

MC 129480 (Sub-36TA), filed November 15, 1978. Applicant: TRI-LINE EXPRESSWAYS, LTD. 550-71st Avenue, S.E. Calgary, AB, Canada T2H OS6. Representative: Richard S. Mandelson, Jones, Meiklejohn, Kehl & Lyons, 1660 Lincoln Street, 1600 Lincoln Center Bldg., Denver, CO 80264. *Lumber, lumber products, forest products and wood products,* between ports of entry on the United States-Canada International Boundary line located in WA, ID, MT, ND and MN and points in AZ, CA, CO, NV, NM, OK, TX, and UT., for 180 days. SUPPORTING SHIPPERR(S): There are approximately (15) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602 First AVE., North, Billings, MT 59101.

MC 133095 (Sub-219TA), filed November 15, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore (same address as applicant). (1) *Alcoholic beverages* (except in bulk), and; (2) *Those materials* used in the manufacturing and sale of alcoholic liquors, viz.: containers, caps, closures, labels, botanicals, advertising materials, boxes, barrels, flavor, between Peoria, IL, on the one hand, and, on the other, points in PA, NY, NJ, MD, DE, CT, OH, MA, VT, NH, ME, and the District of Columbia, and KY, VA, WV, NC, AND SC., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, IL 61651. SEND PROTESTS TO: Martha A. Powell Trans. Asst., ICC, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 133119 (Sub-148TA), filed November 17, 1978. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *New furniture,* from the facilities of Triangle Pacific Corporation at or near Auburn, NE, to points in WA, UT, MT, ID, and WY, for 180 days. SUPPORTING SHIPPER(S): Triangle Pacific Corp., 4255 LBJ Freeway, Dallas, TX 75234. SEND PROTESTS TO: Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 133566 (Sub-125TA), filed October 27, 1978, and published in the FEDERAL REGISTER issue of December 1, 1978, and republished as corrected this issue. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, Beinhauer & Rouhana, One World Trade Center, Suite 4959, New York, NY 10048. *Sugar,* in packages, from Brooklyn, NY, to points in IN, OH, IL,

and MI, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Amstar, 1251 Avenue of the Americas, New York, NY 10020. SEND PROTESTS TO: J. H. Gray DS, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802. The purpose of this republication is to correct the commodity description which should read, as "*Sugar,* in packages," instead of *Sand,* in packages.

MC 133689 (Sub-245TA), filed November 16, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Liquid latex* (except in bulk), for Dalton, GA, to Chicago, IL, for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Borden, Inc., 180 East Broad Street, Columbus, OH 43215. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133966 (Sub-56TA), filed October 24, 1978, and published in the FEDERAL REGISTER issue of December 1, 1978, and republished as corrected this issue. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. (1) *Metal containers,* with or without lids, from Hanover Township, PA, to Albert Lea, MN, Bowling Green, OH; Chicago, IL; Cincinnati and Columbus, OH; Detroit, MI; Kansas City, KS; Louisville, KY; Milwaukee, WI; Newark, NJ, and New York, NY, and their commercial zones; and (2) *Products* used in the manufacturing, distribution, and sales of metal containers, with or without lids, from Bryan, OH, Chicago, IL, and Elizabeth, NJ, to Hanover Township, PA, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Bertels Can Company, Hanover Industrial Estates, Wilkes-Barre, PA 18703. SEND PROTESTS TO: Paul J. Kenworthy DS, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503. The purpose of this republication is to correct NO. MC 133966 (Sub-No. 5TA) and to correct the territorial description which should read as, first the docket NO. MC 133966 (Sub-No. 56TA) instead of NO. MC 133966 (Sub-No. 53TA) and to correct the territorial description which should read as, Detroit, MI; and Kansas City, KS; instead of Detroit, MO; and Kansas City, MO.

MC 134402 (Sub-6TA), filed November 16, 1978. Applicant: WILLIAMS TRUCK LINE, INC., P.O. Box 143, Audubon, IA 50025. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses,* (except hides and commodities in bulk), from the facilities of Weinstein International Corp., and Iowa Pork Industries, Inc., at South St. Paul and Buffalo Lake, MN., to points in Minnesota, Wisconsin, Iowa, Nebraska, Kansas, North Dakota, South Dakota, Illinois, Missouri, Indiana, Ohio, Tennessee, Kentucky, Arkansas and MI., under a continuing contract, or contracts, with Weinstein International Corp., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Brad McAlister Director of Export Trans., Weinstein International Corp., 5738 Olson Highway, Minneapolis, MN 55422. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE. 68102.

MC 135283 (Sub-45TA), filed November 13, 1978. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 South Stuhr Road, P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R. Holdenman, Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Electric motors,* from the facilities of Baldor Electric, at or near Ft. Smith, AR, to the facilities of Caldwell Manufacturing Co., a Division of Chief Industries, Inc., at or near Kearney, NE, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Caldwell Manufacturing Co., Robert L. Wells, Purchasing Agent, Kearney Industrial Tract, P.O. Box 338, Kearney, NE. SEND PROTESTS TO: Max Johnston DS, ICC, 285 Federal Building and U.S. Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 135684TA, filed November 16, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Ronald L. Knowowski, P.O. Box 391, Old Croton Road, Flemington, NJ 08822. *Containers and closures therefor,* from Quakertown, PA; Baltimore, MD; Bridgewater, Clifton, Jersey City, Linden, Piscataway and Rahway, NJ to points in the Boston, MA., Commercial Zone, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Independent Packaging, Inc., 640 Summer Street, Boston, MA 02210. SEND PROTESTS TO: John P. Lynn Trans. Specialist, ICC, 428 East State Street, Room 204, Trenton, NJ. 08608.

MC 135797 (Sub-163TA), filed November 16, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 200, Lowell, AR 72745. *Canned and preserved foodstuffs,* from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA to points in Arkansas, New Mexico, Oklahoma and TX., restricted to traffic originating at the named origins and destined to the named destinations, for 180 days. SUPPORTING SHIPPER(S): Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 135874 (Sub-143TA), filed November 13, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street, South St. Paul, MN 55075. Representative: Randy Busse, 550 East 5th Street South, South St. Paul, MN 55075. *Foodstuffs,* (except commodities in bulk), in vehicles equiped with mechanical refrigeration, from the facilities of Fruit Crest, Inc., at Garden City Park, NY., to points in SD, MN, NE, OH, KS, IA, IL, IN, MI, MO, WI and ND., restricted to traffic originating at the facilities of Fruit Crest, Inc., Garden City Park, NY and destined to points in the named states, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting SHIPPER(S): Fruit Crest, Inc., 250 Fulton Avenue, Garden City Park, NY. 11040. SEND PROTESTS TO: Delores A. Poe Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 136220 (Sub-61TA), filed October 11, 1978, published in the FEDERAL REGISTER issue of December 1, 1978, and republished as corrected this issue. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca, City, OK 74601. Representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. *Aluminum dross, aluminum scrap* and *smelting residue,* (in bulk, in dump vehicles), from points in and east of Texas, Kansas, Nebraska, South Dakota and N. Dak., to Sapulpa and Checotah, OK., for 180 days. SUPPORTING SHIPPER(S): Teller Metal Company, 12115 Lackland Road, St. Louis, MO 63141. SEND PROTECTS TO: Connie Stanley Trans. Asst., Room 240 Old Post Office & Court House Bldg., 215 N.W., 3rd, Oklahoma City, OK 73102. The purpose of this republication is to correct the authority sought, which should read as "*Aluminum dross, aluminum scrap* and *smelting residue* (in bulk, in dump vehicles).

MC 136782 (Sub-7TA), filed November 16, 1978. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 367 Wheatland PA, Eau Clair, PA 16161. Representative: Warren W. Wallin, Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1600, chicago, IL 60603. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except commodities in bulk), from the facilities of the Di Cillo Corporation located at Cleveland, OH, to Baltimore, MD; Washington, DC; Philadelphia and Sharon, PA; Marboro and Boston, MA; Albany, Kingston, Minneola, New York and Utica, NY, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Di Cillo corporation, 3290 W. 65th Street, Cleveland, OH 44102. SEND PROTESTS TO; John J. England DS, ICC, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 136782 (Sub-8TA), filed November 16, 1978. Applicant: R.A.N., TRUCKING COMPANY, P.O. Box 128, Eau clair, PA 16030. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Meats, meat products, and meat by-products,* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except commodities in bulk), from Mt. Airy, MD; Wilmington, DE; Philadelphia, PA; the New York Commercial Zone and Logansport, IN, to Cleveland, OH, for 180 days. SUPPORTING SHIPPER(S): A & W Foods, Inc., 4900 Crayton, Cleveland, OH 44104. SEND PROTESTS TO: John J. England DS, ICC, 2111 Federal building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 138258 (Sub-4TA), filed November 16, 1978. Applicant: JAMES D. WILCOX, P.O. Box 128, 201 Depot Street, Boone, NC 28607. Representative: Douglas W. Greene, P.O. Box 629, Boone, NC 28607. *Raw and finished leather goods, parts for refrigeration equipment, awards; knitted fabric; and crude crepe shoe sole rubber,* between Johnson City, Kingsport, Bristol, TN, and their respective commercial zones and Watauga and Ashe Counties, NC, for 180 days. SUPPORTING SHIPPER(S): There are approximately (8) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Terrell Price DS, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 138404 (Sub-12TA), filed November 17, 1978. Applicant: DALE FOWLER & MERLE THRAPP, d.b.a. D & M TRANSPORT, P.O. Box 38, Spragueville, IA 52074. Representative: Dale fowler (same as above). *Heat transfer products and components,* from Maquoketa, IA to Cat Tractor Company, Mossville, IL, Peoria, IL; Aurora, IL; Morton, IL; General Thermodynamics, Inc., Milwaukee, WI; and Helgesen Industries, Hartford, WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): General Thermo, Inc., R.R. #1, Jacobsen Drive, Maquoketa, IA 52060. SEND PROTESTS TO: Herbert W. Allen, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 140262 (Sub-5TA), filed November 15, 1978. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, P.O. Box 546, Oakdale, CA 95361. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. *Gold and silver ore,* (in bulk), from the facilities of the Lucky Chance Mining Company, Inc., and the Monte Cristo Mine at or near Mammoth Lakes, CA., to the facilities of Asarco, Inc., at or near Tacoma, WA., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Lucky Chance Mining Company, Inc., 317 Freeport Blvd., Sparks, NV. 89431. SEND PROTESTS TO: Michael M. Butler DS, 211 Main, Suite 500, San Francisco, CA 94105.

MC 140858 (Sub-3TA), filed November 16, 1978. Applicant: SOS TRANSPORT, INC., Lawrence Street & Pattison Ave., Philadelphia, PA 19148. Representative: Richard M. Ochroch, 316 S. 16th Street, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials, supplies and equipment* used in the manufacture, sale and distributions of the above, between Philadelphia, PA, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Louisiana, Indiana, Tennessee, Ohio, Michigan, California, Texas, Minnesota, Arkansas and IA., under a continuing contract, or contracts, with Sterling Paper Co. for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Sterling Paper Co., Castor & Trenton Ave., Philadelphia, PA 19134. SEND PROTESTS TO: T. M. Esposito Trans. Asst., 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 141921 (Sub-32TA), filed November 17, 1978. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas (same as above). *Frozen meat,* from Newark, NJ, Mount Airy, MD, Philadelphia, PA, Wilmington, DE and Boston, MA and their respective commercial zones to points in PA and KY, for 180 days. SUPPORTING SHIPPER(S): Gurrentz International Corporation, 2020 Ardmore Drive, Pittsburgh, PA 15221. SEND PROTESTS TO: Ross J. Seymour, ICC, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 142062 (Sub-18TA), Filed November 13, 1978. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Drawer P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of liquid plastic materials, (except commodities in bulk), from the facilities of Celanese Polymer Specialities Company, Inc., at Charleston, SC., to Moab, UT, and Green River, WY. RESTRICTION: Restricted to the transportation of shipments under a continuing contract or contracts with Celanese Polymer Specialities Company, Inc., for 180 days. SUPPORTING SHIPPER(S): Celanese Polymer Specialities Company, Inc., P.O. Box 32190, Louisville, KY 40232. SEND PROTESTS TO: Beverly J. Williams Trans. Asst., ICC, Federal Bldg., & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 142559 (Sub-66TA), filed November 14, 1978. Applicant: BROOKS TRANSPORTATION, INC. 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, OH 43215. (1)*Rubber and/or plastic articles or rubber and plastic combined;* and (2)*equipment, materials and supplies* used in the manufacture and distribution of the commodities listed in (1) above, (except commodities in bulk); between the facilities of Entek Corporation of America at or near Irving, TX., on the one hand, and, on the other, points in the United States, for 180 days. SUPPORTING SHIPPER(S): Entek Corporation of America, 104 County Line Road, Irving, TX 75060. SEND PROTESTS TO: Mary Wehner DS, ICC, 713 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 145441 (Sub-3TA), filed November 16, 1978. Applicant: A.C.B. TRUCKING, INC., I-40 & Protho Junction, P.O. Box 5130, North Little Rock, AR 72110. Representative: Hugh

T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Instant coffee,* from Sunbury, OH., to Watsonville and Fullerton, CA; Milwaukie, OR., and Dallas and Houston, TX., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Nestle Company, 100 Bloomingdale Road, White Plains, NY 10605. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144452 (Sub-5TA), filed November 16, 1978. Applicant: ARLEN LINDQUIST, d/b/a ARLEN E. LINDQUIST TRUCKING, 3242 Old Highway 8, Minneapolis, MN 55415. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. *Petroleum and petroleum products,* in containers, from St. Louis, MO., to points in CO., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Ashland Petroleum Company, Division of Ashland Oil, Inc., P.O. Box 391, Ashland, KY 41101. SEND PROTESTS TO: Delores A. Poe Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144776 (Sub-4TA), filed November 16, 1978. Applicant: APACHE TRANSPORT, INC., 833 Warner Street, S.W., Atlanta, GA 30310. Representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, GA 30349. *Plastic articles,* (except in bulk), from the facilities of Mobil Chemical Company, Plastics Division at Covington and Conyers, GA., to points in the state of Louisiana, Tennessee, North Carolina, Virginia, Alabama and SC., for 180 days. SUPPORTING SHIPPER(S): Mobil Chemical Co., Plastics Division, Macedon, NY 14502. SEND PROTESTS TO: Sara K. Davis Trans. Asst., ICC, 1252 West Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 145459 (Sub-1TA), filed November 16, 1978. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., E. Route 336, P.O. Box 162, Mattoon, IL 61938. Representative: Thomas F. Kilroy, 6901 Old Keene Mill Road, Suite 406 Executive Bldg., Springfield, MA 22150. *Printed matter,* from Mattoon, IL., to Centralia, Chicago, Decatur, East St. Louis, and Villa Grove, IL.; Indianapolis, IN.; and St. Louis, MO., for continuation by railroad in TOFC service, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Gerald Palansky General Manager, Family Circle, Inc., 488 Madison Avenue, New York, NY 10022. SEND PROTESTS TO: Charles D. Little DS, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 145661 (Sub-1TA), filed November 15, 1978. Applicant: WESTSIDE TRANSPORT, INC., Pacheco Pass Highway, P.O. Box 605, Gilroy, CA 95020. Representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural machinery, equipment and supplies,* points in CA south of the southern boundary of the counties of Marin, Solano, Sacramento and El Dorado on the one hand, and, on the other, points in AZ south of the northern boundaries of the counties of Yuma, Maricopa, Gila, Graham and Greenlee, under a continuing contract or contracts, with Sun Harvest, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Sun Harvest, Inc., 122 East Alisal, Salinas, CA 93902. SEND PROTEST TO: Michael M. Butler DS, 211 Main, Suite 500, San Francisco, CA 94105.

MC 144672 (Sub-5TA), filed November 16, 1978. Applicant: VICTORY EXPRESS, INC., Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer, Victory Express, Inc., P.O. Box 26189, Trotwood, OH 45426. (a) *Such merchandise* as is dealt in or used by wholesale, retail, chain, discount and variety stores, from the plantsite of General Home Products Corporation at Edgewater, NJ., and Pennsauken, NJ., on the one hand, and, on the other points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia and WI; and (b) *Cart wheels,* from Seabrook, NH., to the plantsite of General Home Products Corporation at Edgewater, NJ., and Pennsauken, NJ., for 180 days. SUPPORTING SHIPPER(S): General Home Products Corporation, Richard White Traffic Manager, Pennsauken, NJ. 08110. SEND PROTESTS TO: Paul J. Lowry DS, ICC, 5514-B Federal Bldg., 550 Main Street, Cincinnati, OH. 45202.

MC 145699 (Sub-1TA), filed November 16, 1978. Applicant: QUALITY TRANSPORT, INC., 4404 West Berteau, Chicago, IL 60641. 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: *Meats, meat products, and meat by-products,* as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, From Chicago, IL., to all points in the Continental United States,, moving under a continuing contract or contracts, with Midwest Quality Beef, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Midwest Quality Beef, Inc., Donald A. Holmes General Manager, 4404 West Bertau, Chicago, IL 60641. SEND PROTESTS TO: Lois M. Stahl Trans. Asst., ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145703TA, filed November 15, 1978. Applicant: C & K BROKERAGE, INC. d/b/a NORTHERN TRANSPORTATION, R. D. 1, Gouverneur, NY 13642. Representative: Edward N. Button, P.O. Box 1417, 1329 Pennsylvania Avenue, Hagerstown, MD 21740. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Printing paper,* from Potsdam, NY., and its commercial zone to all points in the United States east of the Mississippi; and (2) *Materials and supplies,* (except in bulk), used in the manufacture and distribution thereof, from all points east of the Mississippi to Potsdam, NY and its commercial zone, under a continuing contract, or contracts, with Potsdam Paper Corporation, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Potsdam Paper Corporation, P.O. Box 191, Potsdam, NY 13676. SEND PROTESTS TO: ICC, U.S. Courthouse & Federal Bldg., 100 S. Clinton Street, Room 1259, Syracuse, NY 13260.

MC 145728 (Sub-1TA), filed November 14, 1978. Applicant: VISALIA FREIGHT LINES, INC., 7388 Avenue 308, Visalia, CA 93277. Representative: Earl N. Miles, Jr., 3704 Candlewood Drive, Bakersfield, CA 93306. (1) *Lumber,* from all points and places within the State of OR., to all points and places within the State of CA., and the Nevada Counties of Clark, Churchill, Douglas, Lyon, Storey and Washoe.; and (2) *Trailer axles, wheels and parts,* from Chino, CA., to McMinnville, OR., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): (1) Kelsey Axle & Brake Division, 14000 Monte Vista, Chino, CA. 91710. (2) Fresno Pallet, 4707 East Vine, Fresno, CA. (3) Rough and Ready Lumber Sales, Inc., Cave Junction, OR 97523. SEND PROTESTS TO: Irene Carlos Trans. Asst., ICC, Room 1321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 145732 (Sub-1TA), filed November 16, 1978. Applicant: GALEN CHARLES PRITCHARD, d/b/a PRITCHARD TRUCKING, 8505

Ohern #6, Omaha, NE 68127. Representative: Galen Charles Pritchard (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), between Omaha, NE., on the one hand, and, on the other, points in CA., restricted to traffic originating at or destined to the facilities of H. Shenson, Inc., and under a continuing contract or contracts, with H. Shenson, Inc., for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Louis A. Grech, H. Shenson, Inc., 1955 Carroll Avenue, San Francisco, CA 94124. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 145746 (Sub-1TA), filed November 16, 1978. Applicant: MINDEMANN TRUCKING, INC., W220 N. 5355 Townline Road, Sussex, WI 53089. Representative: Richard Mindemann, N56 W22053 Silver Spring Dr., Sussex, WI 53089. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers grains, wet spent grain, and animal feed*, (in bulk, in dump type vehicles), from Milwaukee, Milwaukee County, WI., and Rochester Township, Racine County, WI., to all points and places in Illinois north of U.S. Highway 136, under a continuing contract or contracts, with Murphy Products Company, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Murphy Products Company, Inc., 124 So. Dodge Street, Burlington, WI 53105. SEND PROTESTS TO: Gail Daugherty Trans. Asst., ICC, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 79-377 Filed 1-3-79 8:45 am]

[7035-01-M]

[Volume No. 131]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

DECEMBER 27, 1978

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 121060 (Sub-79F) (M1F) (Notice of Filing of Petition to Modify Certificate), filed September 29, 1978. Petitioner: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 919 Eighteenth Street, NW, Washington, DC 20006. Petitioner holds a motor *common carrier* certificate in MC 121060 Sub E-78 published in the FR issue of July 22, 1975, authorizing transportation, over irregular routes, of *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies* used in the installation of any commodity named above (except in bulk) from Mobile, AL, to points in MD, OH, WV, DC, PA, NJ, DE, MN, WI, MI, ME, NH, VT, CT, NY, and VA. By the instant petition, petitioner seeks to modify the above authority by adding "composition board, roofing and roofing materials," to the commodity description.

NOTE.—MC 121060 Sub 79F(M1F) has been assigned as the docket number in this E-Letter Notice Modification and is to be used in reference to this proceeding.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 13900 (Sub-18) (2nd Republication), filed November 23, 1973, published in the FEDERAL REGISTER issues of January 17, 1974 and December 14, 1978, and republished this issue. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, OH 43604. Representative: Harold G. Hernly, Jr., 118 North St. Asoph Street, Alexandria, VA 22314. A Decision of the Commission, decided August 24, 1978, and served September 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*, by motor vehicle, over irregular routes, in the transportation of *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, OH, Minneapolis and St. Paul, MN, Milwaukee, WI, Chicago, IL, St. Louis, MO and Houston, TX, on the one hand, and, on the other, Memphis, TN, New Orleans, LA, Dallas, Fort Worth, and San Antonio, TX, Kansas City, MO, Phoenix and Tucson, AZ, Salt Lake City, UT, Reno and Las Vegas, NV, Fresno, Oakland, Los Angeles, San Francisco, Sacramento, San Diego, San Jose, and Santa Fe Springs, CA, Portland, OR, and Seattle, Spokane, and Tacoma, WA, restricted to the transported of traffic when moving on the bills of lading of freight forwarders as defined in section 402(a)(5) of the Act. Applicant is permitted to tack the authority granted herein with its existing motor common carrier authority at Cincinnati, OH, Houston, TX, Minneapolis and St. Paul, MN, Milwaukee, WI, Chicago, IL, and St. Louis, MO, to serve points in IL, IN, MN, MO, OH, MI, KY, PA, NY, MA, RI, CT, NJ, MD, WI, and the District of Columbia, 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

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission Washington, D.C. 20423.

indicate applicant's actual grant of authority.

MC 103993 (Sub-892) (2nd Republication), filed May 16, 1977, published in the FEDERAL REGISTER issue of June 30, 1977 and August 17, 1978, and republished this issue. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46514. Representative: Paul D. Borghesani (same address as applicant). A Decision of the Commission, Division 2, decided December 5, 1978, and served December 18, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of (1) *Trailers* designed to be drawn by passenger automobiles (except travel trailers and camping trailers), in initial movements, from points in AR, CA, CO, LA, MD, MI, MN, MS, NH, NM, NY, NC, OK, OR, SC, TN, VA, and WI, to points in the United States (except AK and HI); and (2) *buildings, complete or in sections,* mounted on wheeled undercarriages, from origins which are points of manufacture, from CO, MD, NH, NM, NY, NC, SC, and VA, to 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 indicate applicant's actual grant of authority.

MC 117119 (Sub-680) (Republication), filed March 21, 1978, published in the FEDERAL REGISTER issue of May 11, 1978, and republished this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: M. M. Geffon, P.O. Box 338, Willingboro, NJ 08046. A Decision of the Commission, Review Board Number 4, decided December 6, 1978, and served December 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,* by motor vehicle, over irregular routes, in the transportation of *Frozen meat,* from Philadelphia, PA, to the facilities of the Campbell Soup Company, at Napoleon, OH, Chicago, IL, and Omaha, NE, restricted to the transportation of traffic originating at the named origin (or having a prior movement by water thereto), and destined to the named points, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 138882 (Sub-53) (Republication), filed March 24, 1978, published in the FEDERAL REGISTER issue of April 27, 1978, and republished this issue. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. A Decision of the Commission, Review Board Number 1, decided December 5, 1978, and served December 14, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of *Malt beverages,* from Fort Worth, TX, and Eden, NC, to Tallahassee, FL, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity description, and add Eden, NC as an origin point.

MC 143149 (Sub-2) (Republication), filed December 14, 1977, published in the FEDERAL REGISTER issue of March 16, 1978, and republished this issue. Applicant: GARY PRESSMAN, d/b/a PRESSMEN TRUCKING, Rural Route #1, Fulton, IL 61252. Representative: Winston A. Hollard, 5900 West Colfax Avenue, Suite 20, P.O. Box 14006, Denver, CO 80214. A Decision of the Commission, Review Board Number 1, decided November 14, 1978, and served December 20, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier,* by motor vehicle, over irregular routes, in the transportation of (1) *Iron and steel articles,* from Fairfield, AL; Torrance, CA; Chicago, Hennepin, and Sterling, IL; Burns Harbor and Portage, IN; Kansas City and St. Louis, MO; Norfolk, NE; Lackawanna, NY; Cleveland and Youngstown, OH; Aliquippa, Bethlehem, Clairton, Homestead, Johnstown, and Pittsburgh, PA; Houston, TX; and Geneva, UT, to Denver, CO, under contract with Steel, Inc., of Commerce City, CO; and (2) *steel racks,* from Denver, CO, to points in the United States (except AK, CO, and HI), under a contract with Steel Storage Systems, Inc., of Commerce City, CO, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected.

The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such request 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 approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 96324 (Sub-25F), filed March 30, 1978, and previously published in the FEDERAL REGISTER on June 15, 1978. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *containers and closures for containers, and glassware, materials, equipment and supplies* used or useful in the manufacture or distribution of containers and closures for containers and glassware, (except commodities in bulk); (1) Between Danville, VA, on the one hand, and, on the other, points in CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.; (2) Between Freehold, NJ, on the one hand, and, on the other, points in AL, FL, GA, KY, MD, PA, OH, NC, SC, TN, VA, WV, and DC; (3) Between Huntington, WV, on the one hand, and, on the other, points in VA, TN, NC, SC, FL, GA, AL, MS, and LA; (4) Between Fairmont, WV, on the one hand, and, on the other, points in TN, NC, SC, FL, GA, AL, MS, and LA; (5) Between Columbus, OH, on the one hand, and, on the other, points in CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, DC, AL, MS, and LA. Note: (1) Applicant intends to tack the authority sought with existing authority in order to provide service between Brockway and Washington, PA, Zanesville, OH, and Clarksburg, WV, on the one hand, and, on the other, points in the states named above. (2) The purpose of this republication is to show the intent of applicant to also tack at Fairmont, WV, to provide service on glass containers from points in GA, NC, and TN, to points in OH, PA, NY, MD, NJ, DE, ME, VT, NH, MA, RI, and CT. (Hearing site: Pittsburgh, PA.)

MC 115331 Sub 472F, filed November 7, 1978. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, or used by, manufacturers and distributors of containers and related articles (except commodities in bulk), between points in the United States (except Alaska and Hawaii). (Hearing site: Washington, D.C.)

NOTE.—Common control may be involved.

MC 144452 (Sub-2F) (Republication), filed June 26, 1978, previously noticed in the FEDERAL REGISTER issue of August 22, 1978. Applicant: ARLEN LINDQUIST, doing business as ARLEN E. LINDQUIST TRUCKING, 3242 Old Hwy 8, Minneapolis, MN 55418. Representative: James B. Hovland, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Oil*, from Roxana, IL, to points in MN, South Bend, IN, the Upper Peninsula of MI, and points in WI north of U.S. Hwy 16 and east of U.S. Hwy 51, (2) *oil* (except in bulk), from Roxana, IL, to points in ND, SD and points in WI on and south of U.S. Hwy 16 and on and west of U.S. Hwy 51, (3) *oil*, in containers, from (a) St. Louis, MO, Green Bay, WI, Anoka, MN, Kansas City, KS, and Ponca City, OK, to points in MN, ND and SD, (b) St. Louis, MO, Anoka, MN and Green Bay, WI, to points in WI, (c) Sewaren, NJ, to Beaver Dam, Green Lake, Waupun, and Mayville, WI; and (d) Chicago, IL, to Chippewa Falls, Wausau and Mellen, WI, restricted against the transportation of traffic in (3)(a) above, from the plantsites of Interstate Oil Co., Inc., Phillips Petroleum Company, STP Corporation and Southwest Grease and Oil (Kansas City), Inc. at the Kansas City, MO-Kansas City, KS Commercial Zone, to points in MN, (4) *lubricants*, in containers, from New Orleans, LA, to points in St. Louis, Koochiching and Lake Counties, MN and Waupaca, Portage, Marathon, Lincoln, Langlade, Oneida, Forest, Oconto, Menominee and Shawano Counties, WI, (5) *tires and tubes*, from (a) Tupelo, MS, Des Moines, IA, Little Rock, AR, Nashville and Memphis, TN and Gunthersville, AL, to points in MN and WI, (b) Tupelo, MS, Des Moines, IA, Gunthersville, AL, St. Louis, MO, Green Bay, WI and Anoka, MN, to points in ND and SD, (c) Memphis, TN, to points in CO and KS (except Kansas City, Topeka and Wichita), the Upper Peninsula of MI, ND, SD and WY, (d) Gunthersville, AL, to points in IA, (e) Green Bay, WI, to points in MN, (f) Anoka, MN, to points in WI; and (g) Chicago, IL, to points in Waupaca, Portage, Marathon, Lincoln, Langlade, Oneida, Forest, Oconto, Menominee and Shawano Counties, WI, restricted in (4) (a) and (b) above against the transportation of traffic from the Firestone Tire and Rubber Company at Des Moines, IA, (6) *retread rubber*, within the territorial scope of (5)(a) above, restricted against the transportation of retread rubber, from Memphis, TN and Gunthersville, AL, to Minneapolis and St. Paul, MN; and (7) *anti-freeze* (except in bulk, in tank vehicles), from Roxana, IL, to points in WI. Note: The purpose of this republication is to indicate the correct territory requested. Dual operations are involved in this proceeding. (Hearing site: St. Paul, MN).

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conversation Act of 1975.

MC-F-13774F. Authority sought for purchase by LOZOWICK TRUCKING CO., INC., P.O. Box 292, Sparta, NJ 07871, of the operating rights of HERMAN LOZOWICK TRUCKING CO., 1551 Park Avenue, South, Linden, NJ 07036, and for acquisition by TRANSCO INDUSTRIES, INC. and in turn by FRED M. FINKLE, JR. and BARRY FINKLE, all of P.O. Box 292, Sparta, NJ 07871, of control of such rights through the transaction. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Operating rights sought to be transferred: (1) Bronze, brass, copper, and nickel products and in connection therewith, materials, and supplies used in the manufacture of such products (except commodities in bulk, in tank vehicles), (a) Between the site of the plant of the Phelps Dodge Copper Products Corporation at or near South Brunswick Township, Middlesex County, NJ, and New York, NY, (b) From facility of Phelps Dodge Copper Products Corporation at or near South Brunswick Township, Middlesex County, NJ, to points in named counties in NY, Philadelphia, PA, and points in PA within 15 miles thereof,

and Bridgeport, New Haven, and Waterburn, CT, (c) Between plantsite of the Phelps Dodge Copper Products Corporation at or near South Brunswick Township, Middlesex County, NJ, and points in the NJ portion of the New York, NY Commercial Zone, (d) Between Elizabeth, NJ and New York, NY, (e) From Elizabeth, NJ, to points in named counties in NY, Philadelphia PA, and points in PA within 15 miles thereof and Bridgeport, New Haven, and Waterbury, CT, (f) Between Bayway, NJ, and New York, NY, (g) From Bayway, NJ, to points in named counties in New York, Philadelphia PA, and points in Pennsylvania within 15 miles of Philadelphia and Bridgeport, New Haven, and Waterbury, CT, (2) Aluminum Products and in connection therewith, materials and supplies used in the manufacture of such products (except commodities in bulk, in tank vehicles), (a) Between Bayway, NJ, and the plantsite of the Phelps Dodge Copper Products Corporation at or near South Brunswick Township, Middlesex County, NJ, and points in the New York Commercial Zone, (b) From Bayway, NJ, and the plantsite of the Phelps Dodge Copper Products Corporation at or near South Brunswick Township, Middlesex County, NJ, to points in named counties in New York, Philadelphia, PA, and points in Pennsylvania within 15 miles thereof, and Bridgeport, New Haven, and Waterbury, CT, (3) Salvaged, damaged and returned shipments of the above described commodities, in reverse direction all under continuing contract with Phelps Dodge Copper Products Company, Phelps Dodge Tube Company, divisions of Phelps Dodge Industries, Inc, (4) Copper Billets, From Carteret and Perth Amboy, NJ, to Reading, PA, (5) Copper tubing, Copper Pipe, Brass Pipe, and Brass Tubing, From Reading, PA, to New York, NY, and points in named counties in NJ and NY, (6) Copper Cathodes From Perth Amboy, NJ, to Reading, PA, (7) Copper Anodes, Bars, Billets, Cathodes and Ingot, From Ontelaunee Township, PA, to points in New York, NY Commercial Zone and points in named counties in NJ, (8) Scrap Copper, From points in New York Commercial Zone and points in named counties in NJ to Ontelaunee Township, PA, under a continuing contract with Reading Industries, Inc., (9) Cable and Wire, From Linden and Hillside, NJ, to New York, NY, and points in named counties in NY, (10) Empty Reels, Returned and salvaged shipments and materials and supplies used in manufacture of cable and wire (except in bulk) in reverse direction under continuing contract with Hatfield Wire and Cable Division of Continental Copper & Steel Industries, Inc., (11) Merchandise such as is dealt in by persons engaged in the manufacture and sale of condiments and nonalcoholic and noncarbonated beverages and in connection therewith materials supplies and equipment used in the conduct of such business, except commodities in bulk, in tank vehicles, Between Newark, NJ, and points in Nassau and Westchester Counties, NY, and New York, NY Commercial Zone and Philadephia, PA, under a continuing contract with Allied Old English, Inc., (12) Such merchandise as is dealt in by wholesale and retail chain cigar and drug stores and in connection therewith equipment, materials and supplies used in the conduct of such business, (a) Between New York, NY, and a described portion of NJ, (b) Between New York, NY, and Nyack, NY, limited to a service to be performed under contracts with persons who operate wholesale and retail chain cigar and drug stores. Transco Industries, Inc. holds no authority from the Commission; however its controlling stockholders control (1) North Jersey Transfer, Inc., P.O. Box 292, Sparta, NJ 07871, a contract carrier, authorized to operate in the states of AL, AR, CT, DE, FL, DC, 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, WV, VA, and WI, (2) Thruway Freight Lines, Inc., P.O. Box 56, Elmwood Park, NJ, 07407 a common carrier, authorized to operate in the states of NJ, NY, PA, MD, DE, DC, and CT, (3) All Cargo Forwarders, P.O. Box 361, Carlstadt, NJ 07602, a freight forwarder. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-145512 is a directly related matter.

MC-F-13857F. Authority sought for purchase by Meat Dispatch, Inc., 2103 Seventeenth Street East, Palmetto, Fl. 33561 of the operating rights and properties of Sherwood Trucking, Inc., 1517 Hoyt Avenue, Muncie, Indiana 47302. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, In. 46240. Operating Rights Sought to be Transferred: (1) Bananas, from Mobile, Al., and New Orleans, La., to Indianapolis and Terre Haute, In.; From Charleston, S.C., to points in In.; From Gulfport, Ms. to points in In. and DeKalb, Il. (2) Soap, toilet preparations, and other articles produced and distributed by the Colgate Polmolive Company at Jeffersonville and Clarksville, In.; from Jefferson and Clarksville, In. to Birmingham, Al. and New Orleans, La. RESTRICTION: The service authorized herein to Birmingham, Al., is restricted to the transportation of shipments destined Birmingham, Al. (3) Bananas, and coconuts and pineapplies, when transported, in the same vehicle with Bananas, from Mobile, Al. and New Orleans, La. to Fort Wayne and Lafayette, In. (4) Canned goods, from the plantsites of Process Supply Co., Inc. at or near Muncie and Plumtree, In. to points in Ky. (Except Louisville and Covington), TN., La., Ga., Ms., Ar., Tx., and Va. (5) Cheese, from the plantsite of County Line Cheese Company at or near Auburn, In. to points in Fl., Ga., and Al. (6) Foodstuffs (except in bulk) and advertising matter, display racks and premiums when moving at the same time and in the same vehicle with foodstuffs from the facilities of American Home Foods Division of American Home Products Corporation at LaPorte, In. to points in Ga., Tn., Al., La., and Ms. RESTRICTION: The operations authorized herein are restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corporation at LaPorte, Ind. and destined to the named destination points. (7) Bananas, from New Orleans, La. to Gulfport, Ms. (8) Meat, meat products and meat-by-products, between New Orleans, La and Hattiesburg, Gulfport and Biloxi, Ms. (9) Zinc and zinc products, between Greencastle, In. on the one hand, and, on the other, points in Ga., Ky., La., Ms., Mo., N.C., S.C., and Tn. (10) Zinc and zinc products, caps, covers, and discs, for bottles and jars, from Muncie, In. to points in Ga., Ky., La., Ms., Mo., N.C., S.C., and Tn. (11) Bread, and bread products, crackers and cracker meal, cookies and cookie meal, cakes, flour and flour products and sweet goods, (except frozen), from the plant site of the Richmond Baking Co. at Richmond, In. to Paris, Tx., Fort Smith, Ar., and points in Mo. (except St. Louis, Mo., and its commercial zone, as defined by the Commission), Pa., and N.Y. RESTRICTION: The operations authorized herein are restricted to the transportation of shipments originating at the above-described plant site and destined to the above-described destination points. (12) Meats, meat products, and meat-by-products, and articles distributed by meat packing houses as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk) from the plant site and storage facilities of Wilson Foods Corp. at or near Logansport, In. to points in Al., Ms., La., and Tn. (13) Glass containers and closures therefore, from Dunkirk, In. to points in Ar. and Ms. (14) Foodstuffs, from the plant site of American Home Foods, Inc. at LaPorte, In. to points in Ky. RESTRICTION: The operations authorized herein are restricted to the transportation of traffic originating at the above name plant site. (15) Bakery products (except

frozen), flour, and cookie and cracker meal, from Richmond, In. to Oklahoma City, Ok., Evansdale, Ia., and Fremont, Mi. (16) Glass containers, and closures therefor from Dunkirk, In. to points in N.C., S.C., and Ga. (17) From Muncie, In. to Fort Smith, Ark. RESTRICTION: The operations authorized herein are restricted to the transportation of shipments originating at the plant site and warehouse facilities of Kerr Glass Manufacturing Corporation at Dunkirk and Muncie, In. (18) Glass containers, and closures therefor, from the plantsite and storage facilities of Kerr Glass Manufacturing Corp., at Dunkirk, and Muncie, In. to points in Mo. and points in that part of Tn. on and east of U.S. Hwy. 127 (except Chattanooga, Tn) and; returned shipments of glass containers from points in Mo., and points in that part of Tn. on and east of U.S. Hwy. 127 (except Chattanooga, Tn) to the plantsite and storage facilities of Kerr Glass Manufacturing Corp. at Dunkirk, and Muncie, in. RESTRICTION: Restricted to the transportation of traffic originating at the above named plant site and storage facilities. (19) Paper and paper products, from Eaton, In. to points in Ok., Tx., Ms., and Ar. RESTRICTION: The operations authorized herein are restricted to the transportation of traffic originating at the plant site or storage facilities of Cleveland Partition Corporation at Eaton, In. (20) Sugar, (except in bulk) from Gramercy, La. to Kansas City, Mo. and Points in Al., Ms., and W.Va. (21) Clay, in containers, from Sandersville, Ga. to points in Ar., Il., (except points located in the Chicago, Il. and St. Louis, Il., Commercial Zones as defined by the commission), Ky., (except Louisville, Ky. and Points in its Commercial zone as defined by the Commission), La., Mo., (except points located in the St. Louis, Mo., East St. Louis, Il. Commercial zone as defined by the Commission), Ms., Ok., Tx., and W.Va. (22) Glass containers and closures therefor, from Skyland, N.C. to points in Al., Ms., and La. (23) From Okmulgee, Ok. to points in Ar., Al., Ms., and La. RESTRICTION: Restricted to traffic originating at the plant sites and warehouse facilities of Ball Corporation at Skyland, N.C. and Okmulgee, Ok. (24) Water system tanks (except those which because of size or weight require the use of special equipment) from Rogers, Ar. to points in Al., Ga., In., N.C., Oh., Pa., SC., Va. and Wi. (25) Foodstuffs (except frozen foods and commodities in bulk) from the plant site of American Home Foods at LaPorte, In. to points in Ar., that part of Mo. on and south of Interstate Hwy. 44, and Joplin, Mo. RESTRICTION: Restricted to traffic originating at the indicated plant site and destined to the named destinations. (26) Glass containers and closures for glass containers, from Terre Haute, In. to points in Tn., Ga., La., N.C., and S.C.; materials, equipment and supplies used in the manufacture and distribution of glass containers (except commodities in bulk, in tank vehicles) from points in La., Ga., and Tn. to Terre Haute, In. (27) Wood pulp and paper from Calhoun, Tn. to points in Il. RESTRICTION: Restricted to traffic originating at the plant site and warehouse facilities of Bowaters Southern Paper Corporation located at Calhoun, Tn. and destined to the named destinations. (28) Foodstuffs (except in bulk) from the plant site and warehouse facilities of Duffy-Mott Company, Inc. at Bailey, Hartford, South Haven, Grand and Holland, Mi. to points in Ar., La., Ms., Ok., Tn., and Tx. RESTRICTION: Restricted to traffic originating at the above named plant site and warehouse facilities and destined to the named destinations. (29) Wood pulp and paper, from Calhoun, Tn. to points in that part of In. on and north of U.S. Hwy. 40 and that part of Mi. on and south of Mi. Hwy. 21. RESTRICTION: Restricted to traffic originating at the plant site and warehouse facilities of Bowater Southern Paper Corporation located at Calhoun, tn. and destined to the named destinations. (30) Foodstuffs, and animal and pet foods (except commodities in bulk) from the facilities of Southern Michigan Cold Storage Co., Logansport Refrigerated Services Division, located at or near Logansport, In. to points in Ky., Tn., Ga., Al., N.C., S.C., Ms., La., Ar., Ok., and Mo. (Except St. Louis). RESTRICTION: Restricted to shipments originating at the named origins and destined to the named destinations. (31) Bread making compounds, from Olathe, Ks. to the plant site of Lewis Brothers Bakery, Located at Evansville, In. RESTRICTION: This certificate may not be joined or tacked with the carrier's other irregular route authority. Vendee is authorized to operate as a contract carrier in all states (except Alaska, Hawaii, Idaho, Utah, Montana, Oregon, and Washington State) Application has been filed for temporary authority under section 210a(b) of the Act.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 112123 (Deviation No. 1), BESTWAY TRANSPORTATION, 1624 S. Central Ave., Phoenix, AZ 85004, filed December 19, 1978. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Phoenix, AZ over U.S. Hwy 60 to Florence Junction, AZ, 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 pertinent service routes as follows: (1) From Ehrenberg, AZ over Interstate Hwy 10 via Phoenix and Tucson, AZ to the AZ-NM State line, and (2) From Florence Junction, AZ over U.S. Hwy 60 to Globe, AZ, then over U.S. Hwy 70 to Safford, AZ, then over U.S. Hwy 666 to junction Interstate Hwy 10, and return over the same routes.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-378 Filed 1-3-79; 8:45 am]

[7035-01-M]

[Permanent Authority Decisions Volume No. 61]

PERMANENT AUTHORITY APPLICATIONS

Decided: December 19, 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.

We find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of section 10930 (formerly section 210) of the Interstate Commerce Act.

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.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. HOMME, Jr.,
Secretary.

MC 409 (Sub-68F), filed November 17, 1978. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, NE 68979. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer,* from Falls City, NE, to points in IA, KS, and MO. (Hearing site: Lincoln or Omaha, NE.)

MC 409 (Sub-69F), filed November 17, 1978. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, NE 68979. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizers, fertilizer materials and agricultural chemicals,* from the facilities of Chemical Enterprises, Inc., (1) in Adams County, NE, to points in CO, IA, KS, MN, MO, ND, OK, SD, TX and WY, and (2) near Odessa, TX, to Garden City, KS, and to the facilities of Chemical Enterprises, Inc., in Adams County, NE. (Hearing site: Lincoln or Omaha, NE.)

MC 2368 (Sub-87F), filed November 20, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, VA 23204. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal and vegetable oils and greases, animal and vegetable oil and grease products, and animal and vegetable oil and grease byproducts,* in bulk, in tank vehicles, between points in VA, on the one hand, and, on the other, points in GA and OH; and (2) *animal oils and greases,* in bulk, in tank vehicles, from Baltimore, MD, to points in VA. (Hearing site: Washington, DC.)

MC 2862 (Sub-62F), filed October 23, 1978. Applicant: ARROW TRANSPORTATION CO. OF DELAWARE D/B/A ARROW TRANSPORTATION COMPANY, 3125 NW 35th Avenue, Portland, OR 97210. Representative: Robert R. Hollis, 400 Pacific Bldg., Portland, OR 97204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from Boise, ID, to points in OR. (Hearing site: Portland, OR, or Seattle, WA.)

MC 11207 (Sub-455F), filed October 12, 1978. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plywood, paneling, gypsum board, composition board, and moulding,* from the facilities of the Pan American Gyro-Tex Company, at or near Jacksonville, FL, to points in IN, IL, and OH; and (2) *materials* used in the manufacture of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Jacksonville, FL, or Birmingham, AL.)

MC 18037 (Sub-8F), filed August 8, 1978. Applicant: CHAS. LEVY CIRCULATING CO., a corporation, 1200 North Branch Street, Chicago, IL 60622. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *(1) such commodities* as are dealt in or used by newsdealers, from Chicago, IL, to points in WI, KY; the Lower Peninsula of MI, and those in OH west of a line bounded by Lorain, Ashland, Holmes, Coschocton, Muskingum, Perry, Hocking, Vinton, Jackson, and Lawrence Counties, OH; and *(2) returned shipments* of the commodities

in (1) above, in the reverse direction, under contract with Publishers Distributing Corp. of New York, NY; R.R. Donnelley & Sons Company, of Chicago, IL; Globe Communications Corp., of Montreal, Quebec, Canada; Dell Distributing Inc., of Schaumburg, IL; Independent News Co., Inc., of New York, NY; Select Magazines, Inc., of New York, NY; Dayton Press, Inc., of Dayton, OH; Mid America Webpress, Inc., of Lincoln, NE; Downe Publications, Inc., of New York, NY; Time, Inc., of Chicago, IL; and World Color Press of Effingham, IL. (Hearing site: Chicago, IL.)

MC 21866 (Sub-109F), filed October 16, 1978. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *crusher parts, breaker parts, and grinder parts,* from the facilities of Ash Pump Company, in East Whiteland Township, Chester County, PA, to points in AZ, CO, FL, IL, LA, MI, MN, MT, NM, NV, TN, TX, UT, and WI, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 25798 (Sub-344F), filed November 24, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at Montgomery, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX (except AL), restricted to the transportation of traffic originating at the named origin. (Hearing site: Chicago, IL.)

MC 25798 (Sub-345F), filed November 27, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corp., at Dodge City, KS, to points in AL, FL, GA, NC, SC, and VA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Kansas City, MO.)

MC 31389 (Sub-265F), filed November 21, 1978. Applicant: McLEAN TRUCKING COMPANY, a Coproration, P.O. Box 213, Winston-Salem, NC 27102. Representative: David F. Eshelman (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate of foreign commerce, 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 the Lynchburg Foundry Co., at or near Radford, VA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 41406 (Sub-94F), filed October 16, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from the facilities of Armco Steel Corporation, at or near Kansas City, MO, to points in AL, CT, DE, GA, IL, IN, KY, MA, MD, ME, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC. (Hearing site: Chicago, IL.)

MC 41915 (Sub-42F), filed November 9, 1978. Applicant: MILLER'S MOTOR FREIGHT, INC., 1100 Lafayette Street, York, PA 17405. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Dauphin Distribution Services Co., in Hampden Township, Cumberland County, PA, to points in VA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 42261 (Sub-141F), filed October 23, 1978. Applicant: LANGER TRANSPORT CORP, Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid fertilizer,* in bulk, in tank vehicles, from Albany, NY, to points in MA and VT. (Hearing site: Albany, NY, or Washington, DC.)

MC 48958 (Sub-166F), filed November 24, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber mill products, and wood products,* from points in AZ, NM, and UT, to Milwaukee, WI, and points in IL, IN, IA, KS, MO, NE, OH, OK, and TX. (Hearing site: Phoenix, AZ, or Albuquerque, NM.)

MC 55896 (Sub-90F), filed September 1, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *silica,* from Tuscola, IL, to points in IN, MI, and OH. (Hearing site: Chicago, IL.)

NOTE.—The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under 49 USC § 11343 (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 59264 (Sub-70F), filed October 19, 1978. Applicant: Smith & Solomon Trucking Company, a corporation, How Lane, New Brunswick, NJ 08903. Representative: Herbert Burstein, Suite 2373, One World Trade Center, New York, NY 10048. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal containers and metal container ends,* from the facilities of Ball Corporation, at or near Williamsburg, VA, to Philadelphia, PA. (Hearing site: New York, NY, or Washington, DC.)

MC 66886 (Sub-69F), filed September 5, 1978. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asbestos cement pipe, and couplings, fittings, and accessories* used in the installation of asbestos cement pipe, (except commodities in bulk), from the facili-

ties of CertainTeed Corp., at Hillsboro, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 66886 Sub 71F, filed September 21, 1978. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *asbestos cement pipe,* and *couplings, fittings and accessories* used in the installation of asbestos cement pipe (except commodities in bulk), from the facilities of CertainTeed Corporation, at Ambler, PA, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 72069 (Sub-17F), filed November 22, 1978. Applicant: BLUE HEN LINES, INC., Box 565, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW, Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods,* from points in Queen Annes, Caroline, and Dorchester Counties, MD, and Accomack and Northampton Counties, VA, to points in AL, FL, GA, KY, LA, NC, SC, TN, and TX. (Hearing site: Washington, DC.)

MC 82492 (Sub-206F), filed October 26, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: William C. Harris (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers, distributors, converters, and printers of paper and paper products, (except commodities in bulk), between the facilities of Kimberly-Clark Corporation, in Emmett Township, Calhoun County, MI, on the one hand, and, on the other, points in the United States (except AK, HI, and MI). (Hearing site: Chicago, IL, or Columbus, OH.)

MC 96324 (Sub-29F), filed October 19, 1978. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Mel P. Booker, Jr., 110 South Columbus Street, Alexandria, VA 22314. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *Bakery Goods,* from points in Bronx County, NY, to points in MD, VA, WV, PA, OH, and DC. (Hearing site: Washington, DC, or New York, NY.)

MC 99439 (Sub-11F), filed November 24, 1978. Applicant: SUWANNEE TRANSFER, INC., P.O. Box 5630, Jacksonville, FL 32207. Representative; Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities* the transportation of which by reason of size or weight require the use of special equipment (2) *machinery, contractor's materials and contractor's supplies* when moving in mixed loads with the commodities in (1) above, and (3) *self-propelled vehicles,* between points in FL, on the one hand, and, on the other, points in AL, NC, and SC. (Hearing site: Jacksonville, FL.)

MC 102567 (Sub-215F), filed October 12, 1978. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 2040 North Loop West, suite 208, Houston, TX 77018. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sodium salt solutions,* in bulk, in tank vehicles, from Natchez, MS, to points in LA, those in Ashley and Jefferson Counties, AR, and Cass County, TX. (Hearing site: Houston or Dallas, TX.)

MC 103798 (Sub-21F), filed November 30, 1978. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *feed,* (2) *feed ingredients,* (3) *commodities* used in the manufacture of breads, (4) *dessert preparations,* and (5) *agricultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) (formerly Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with the commodities in (1), (2), (3), and (4) above, from Appleton, Plover, and Rothschild, WI, to points in AZ, CA, CO, ID, MO, MT, NV, NM, OR, UT, WA, and WY. (Hearing site; Minneapolis, MN.)

NOTE.—Dual operations may be involved.

MC 103798 (Sub-22F), filed November 30, 1978. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *digest of meat, poultry, dairy products, fish, and blends of fish,* with protein added, from Mondovi, WI, to points in the United States (except AK and HI); (2) *materials and supplies* used in the manufacture of the commodities in (1) above, from points in IL, IA, MN, NE, OH, and SD, to Mondovi, WI; (3) *digest and homogenate of meat,* from points in IL, IA, MN, NE, OH, SD, and WI, to Los Angeles, CA; (4) *digest of meat,* from Los Angeles, CA, to Mondovi, WI; (5) *canned goods,* from the facilities of Durand Canning Company, at Durand and Mondovi, WI, to points in AR, IL, IN, IA, KS, MN, MO, NE, ND, OH, OK, SD, TN, and TX; (6) *cheese* and *agricultural commodities* otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) formerly Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with cheese, from the facilities of Associated Milk Producers, Inc., at Paynesville, MN, to points in IA, IL, MI, NM, NE, ND, SD, and WI; and (7) *dehydrated commodities* and *agricultural commodities* which are otherwise exempt form economic regulation under 49 U.S.C. § 10526(a)(6) formerly Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with dehydrated commodities, from the facilities of Associated Milk Producers, Inc., at Turtle Lake and Boyceville, WI, Rochester, MN, and Jessup, IA, to points in IA, IL, MI, MN, NE, ND, SD, and WI, restricted in (1) through (7) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. CONDITION: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of permits in MC-139853 Sub 1, issued March 8, 1976, and MC-139853 Sub 2, issued April 11, 1977. (Hearing site: St. Paul, MN.)

NOTE.—The purpose of this application in parts (1) through (5) is to covert contract carrier authority to common carrier authority. Also, dual operations may be involved.

MC 105045 (Sub-90F), filed November 27, 1978. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Paul F. Sullivan 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *construction equipment,* and *parts* for construction equipment, between the facilities of State Equipment Co., in PA, NY, MA, MD, VT, and VA. (Hearing site: Washington, DC.)

MC 106398 (Sub-852F), filed November 16, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same addres as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials,* and *materials, equipment, and supplies* used in the manufacture, installation, and distribution of building materials, between the facilities of Georgia-Pacific Corporation, at or near Quakertown, PA, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KY, MD, MI, NJ, NY, NC, OH, SC, TN, VA, WV, WI, and DC. (Hearing site: Philadelphia, PA).

NOTE.—In view of the findings in No. MC-106398 (Sub-No. 741) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) 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 applicable Commission regulations.

MC 107839 (Sub-179F), filed November 20 1978. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, CO 80216. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AL, FL, GA, LA, MS, NC, SC, and TX, restricted to the transportation of traffic orginating at the named origin. (Hearing site: At the same time and place as similar applications.)

MC 108119 (Sub-107F), filed November 27, 1978. Applicant: E. L. MURPHY TRUCKING COMPANY, a Corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First national Bank Bldg., Minneapolis, MN 55402. To operate as a *Common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber mill products, cedar fencing,* and *wood products,* from the facilities of Potlatch Corporation, at or near Lewiston, Post Falls, Jaype, St. Maries, Coeur d'Alene, Kamiah, Spalding, and Santa, ID, to points in IL, IN, IA, KY, MI, MN, ND, OH, TN, and WI. (Hearing site: Lewiston, ID, or Spokane, WA.)

MC 110012 (Sub-49F), filed October 26, 1978. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Road, Morristown, TN 38714. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 - 13th Street, N.W., Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting canned and *preseved foodstuffs,* from the facilities of Heinz U.S.A., Division of H.J. Heinz Co., at or near Pittsburgh, PA, to the facilities of Heinz U.S.A., Div. of H.J. Heinz Co., at or near Greenville, SC. restricted to the transportation of traffic originating at the name origin and destined to the indicated destination. (Hearing Site: Washington, DC.)

MC 110988 (Sub-378F), filed November 27, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals,* in bulk, in tank vehicles, from Marquette, MI, to points in MN and WI. (Hearing site: Chicago, IL.)

MC 111068 (Sub-7F), filed November 22, 1978. Applicant: KENNETH GROTH, Locust Road, R.R. #2, Decorah, IA 52101. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, meat products and meat byproducts,* and *articles distributed by meatpacking houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corp., at Postville, IA, to points in IN, MI, MN, NE, OH, PA, NJ, and NY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 111201 (Sub-34F), filed October 23, 1978. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic containers,* and *parts* for plastic containers, from the facilities of Amoco Chemicals Corporation, at or near Monroe, GA, to points in AL, FL, MS, NC, SC, TN, VA, and WV; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of plastic containers, and parts for plastic containers (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 111545 (Sub-263F), filed November 27, 1978. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Represenative: Robert E. Born (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers* designed to be drawn by passenger automobiles (except travel trailers and camping trailers), in initial movements, and (2) *buildings,* mounted on wheeled undercarriages, from points in OR and CA, to points in the United States (including AK but excluding HI). (Hearing site: San Francisco, CA, or Washington, DC.)

MC 111611 (Sub-38F), filed October 23, 1978. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *synthetic textile fibers* and *synthetic yarns,* from the facilities of Avtex Fibers, Inc., at or near Lewistown, PA, Front Royal and Radford, VA, and Nitro, WV, to points in CA. (Hearing site: San Francisco, CA, or Harrisburg, PA.)

MC 111812 (Sub-597F), filed October 23, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in CT and MA to the facilities of Minnesota Mining and Manufacturing Company, at or near Ames and Knoxville, IA, Alexandria, Chemolite, Fairmont, Hutchinson, Minneapolis, New Brighton, New Ulm, Northfield, Pine City, Roseville, and Staples, MN, and Aberdeen, Brookings, and Mitchell, SD, restricted to the transportation of traffic destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 111812 (Sub-598F), filed October 23, 1978. Applicant: MIDWEST

COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery,* in vehicles equipped with mechanical refrigeration, from the facilities of E. J. Brach & Sons, at Philadelphia, PA, to Reno, NV, restricted to the transportation of traffic originating at the named origin. (Hearing site: Philadelphia, PA.)

MC 112989 (Sub-79F), filed November 17, 1978. Applicant: WEST COAST TRUCK LINES, INC. 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *insulated building and roofing panels,* (2) *equipment, materials and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk), from the facilities of Panel Era Corporation, at or near Chicago, IL, Atlanta, GA, Dallas, TX, Salt Lake City, UT, and Washington, DC, to points in the United States (including AK, but excluding HI), restricted to the transportation of traffic originating at the named origins, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, in the reverse direction, restricted to the transportation of traffic destined to the indicated destinations. (Hearing site: Salt Lake City, UT.)

MC 112989 (Sub-81F), filed November 21, 1978. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles,* between Longview, WA and Springfield, OR, on the one hand, and, on the other, points in CA, OR, and WA. (Hearing site: Seattle, WA, or Portland, OR.)

MC 113325 (Sub-155F), filed November 9, 1978. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, MO 63104. Representative: T. M. Tahan (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *magnesium oxide,* in bulk, in tank vehicles, from Manistee, MI, to points in IL, IN, MO, MN, OH, and TN. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 113434 (Sub-116F), filed October 6, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 5267 144th Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise as is dealt in by grocery and feed business houses,* (1) between Clinton and Davenport, IA, on the one hand, and, on the other, points in IN, MI, OH, and IL, (2) between Battle Creek, MI, and Lancaster and Sharonville, OH, and (3) from Battle Creek, MI, and Lancaster and Sharonville, OH, to points in MD, NJ, NY, PA, WV, and DC. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 114457 (Sub-439F), filed October 13, 1978. Applicant: DART TRANSIT COMPANY, A Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills, (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the facilities of M&M/Mars, at or near Cleveland, TN, to points in CT, IA, IL, IN, KS, MA, MI, MN, MO, ND, NE, NJ, NY, OH, PA, RI, SD, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Nashville, TN, or St. Paul, MN.)

MC 114552 (Sub-180F), filed September 22, 1978. Applicant: SENN TRUCKING COMPANY, a Corporation, Post Office Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from the facilities of United States Steel Corporation, at or near Clairton, Duquesne, Fairless, Homestead, Dravosburg, Johnstown, McKeesport, McKees Rocks, and Vandergrift, PA, and Cleveland, Lorain, and Youngstown, OH, to points in AL, FL, GA, NC, SC, TN, and VA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114569 (Sub-266F), filed November 20, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods,* from points in CA, ID, OR, and WA, to points in CT, DE, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV, WI, and DC. (Hearing site: San Francisco, CA, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114725 (Sub-93F), filed November 24, 1978. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *waste water treatment sludge,* from Rochester, MN, to Missouri City, MO. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 115162 (Sub-437F), filed October 23, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials* (except commodities in bulk, in tank vehicles), from the plant site of The Celotex Corporation, at or near Lockland, OH, to points in KY, TN, AL, MS, FL, GA, NC, SC, and VA. (Hearing site: Tampa, FL, or Atlanta, GA.)

MC 115162 (Sub-438F), filed October 26, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from the facilities of Wheeling/Pittsburgh Steel Corporation, at Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, Beech Bottom, Benwood, Follansbee, and Wheeling, WV, and Allenport and Monessen, PA, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, VA, and TX. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 115311 (Sub-320F), filed October 23, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *newsprint,* from points in Richmond County, GA, to points in AL, AR, FL, KY, KS, LA, MS, OK, NC, SD, TN, TX, and VA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of newsprint (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 115331 (Sub-470F), filed October 23, 1978. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, IL 62201. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal feed, feed ingredients,* and *additives,* and (2) *materials and supplies* used in the manufacture and distribution of animal feeds (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, on the one hand, and, on the other, those points in the United States on and east of U. S. Highway 85, restricted to the transportation of traffic originating at or destined to the above-named facilities at Columbus, OH. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 115496 (Sub-107F), filed October 16, 1978. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plywood, paneling, and wallboard,* from the facilities of Plywood Panels, Inc., at Norfolk, VA, to points in AL, DE, FL, GA, IL, IN, KY, LA, MD, MI, MS, NC, NJ, NY, OH, PA, SC, TN, and WV. (Hearing site: Atlanta, GA, or Norfolk, VA.)

MC 116519 (Sub-58F), filed November 21, 1978. Applicant: FREDERICK TRANSPORT LIMITED, R. R. 6, Chatham, Ontario, Canada M7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Bldg., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, transporting (1) *agricultural implements and agricultural machinery,* and (2) *attachments* for the commodities in (1) above, when moving in mixed loads with the commodities in (1) above, from the facilities of McKee Bros. Ltd., at Lincoln, NE, to ports of entry on the International Boundary Line between the United States and Canada in MI and NY, restricted to the transportation of traffic destined to points in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, Canada. (Hearing site: Washington, DC.)

MC 117686 (Sub-220F), filed October 5, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages,* from points in Jefferson County, CO, to points in IA and MO, and (2) *beverage containers and materials* used in the manufacture of beverage containers, in the reverse direction. (Hearing site: Denver, CO, or Omaha, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 118142 (Sub-188F), filed October 24, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts,* and *articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Riverland Food Corporation, at Gonzales, LA, to points in IL, IN, MN, and WI. (Hearing Site: New Orleans, LA, or Atlanta, GA.)

MC 118142 (Sub-189F), filed October 25, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *boxed beef,* from the facilities of Theis Packing Co., Inc., at Great Bend, KS, to points in FL and NC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing Site: Kansas City, MO, or Wichita, KS.)

MC 119489 (Sub-53F), filed November 24, 1978. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, NE 68701. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer,* from Falls City, NE, to points in IA, KS, and MO. (Hearing site: Lincoln or Omaha, NE.)

MC 119668 (Sub-10F), filed November 22, 1978. Applicant: FORREST RATLIFF AND AUBURN RATLIFF, d/b/a/ RATLIFF TRUCKING SERVICE, A Partnership, P.O. Box 366, Oakwood, VA 24631. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street, NW, Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mining equipment and mining machinery,* and *parts and accessories* for mining equipment and machinery, between the facilities of Jewel Coal & Coke Company, at or near Vansant, VA, Manchester and Whitley City, KY, and Sutton, WV; (2) *refractory materials,* from Oak Hill, OH, Claysburg, PA, Hitchins, KY, Augusta, GA, and Buffington, IN, to the facilities of Jewel Coal & Coke Company, at or near Vansant, VA; and (3) *iron and steel articles,* from Bethlehem, PA, and Sparrows Point, MD, to the facilities of Jewel Coal & Coke Company, at or near Vansant, VA. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 119726 (Sub-153F), filed October 6, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Ave., Indianapolis, IN 46217. Representative: James L. Beattey, Suite 1000, 130 E. Washington St., Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *household appliances,* and (2) *parts, accessories, and attachments* for appliances, from the facilities of the Kitchen Appliance Division of McGraw-Edison Company at or near Chattanooga, TN, Air-Comfort Division of McGraw-Edison Company at or near Albion, MI, and Laundry Products Division of McGraw-Edison Company at or near Madisonville, KY, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 119789 (Sub-530F), filed November 15, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AL, AZ, CA, CT, DE, FL, GA, ID, IL, IN, KY, LA, ME, MD, MA, MI, MS, NM, NV, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin. (Hearing site: Wichita, KS.)

MC 119894 (Sub-7F), filed October 19, 1978. Applicant: BOWARD TRUCK LINE, INC., 104 Azar Build-

ing, Glen Burnie, MD 21601. Representative: M. Bruce Morgan (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pulpboard* and *fiberboard,* from the facilities of Virginia Fiber Corporation, near Riverville, VA, to points in NC and SC, and (2) *scrap paper,* (except in bulk), in the reverse direction. (Hearing site: Lynchburg or Staunton, VA.)

MC 119988 (Sub-174F), filed November 16, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., P. O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201.To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives and commoditites in bulk), from the facilities of Houston Merchants Shippers Association and Dal-Worth Shippers Association, in GA, IL, MA, NJ, NC, and PA, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations.(Hearing site: Dallas, TX.)

NOTE.—Dual operations may be involved.

MC 119988 (Sub-175F), filed November 21, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103E, P.O. Box 1384 Lufkin, TX 75901. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wine, spirits, and mixes* for wine and spirits, from points in CA, to points in AZ, NM, and TX. (Hearing site: Dallas, TX, or San Francisco, CA.)

NOTE.—Dual operations may be involved.

MC 123255 (Sub-182F, filed November 14, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road Newark, OH 43055. Representative: W. Randall Tye, 1400 Candler Building, Atlanta, GA 30303. 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, in tank vehicles), between those points in the United States in and east of MT, WY, CO, and AZ, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Corning Fiberglas Corporation. (Hearing site: Washington, DC.)

MC 123255 (Sub-185F), filed November 24, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road Newark, OH 43055. Representative: C.F. Schnee, Jr. (same address as applicant).To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flat glass and glass glazing units,* from the facilities of Guardian Industries Corporation, at or near Carleton, MI, to points in AL, AR, CT, DE, FL, GA, IA, KY, LA, ME, MA, NM, MS, MO, NH, NJ, NY, NC, RI, SC, TN, BT, BA, WV, and WI.(Hearing site: Columbus, OH.)

MC 123156 (Sub-7F), filed October 13, 1978. Applicant: RANDS TRANSPORT, INC., 11 North Hammonds Ferry Rd., Linthicum, MD 21090. Representative: Walter T. Evans, 7401 Wisconsin Ave., Washington, DC 20014. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood chips,* in bulk, from points in DE, MD, NJ, PA, and VA, to Luke, MD, and Spring Grove, PA, under contract with Phelps Brothers Land Clearing, Inc., of Odenton, MD. (Hearing site: Baltimore, MD.)

MC 124947 (Sub-119F), filed October 10, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: David J. Lister (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furnaces, air conditioners, combination furnace and air conditioner units, solar energy heating and cooling systems,* and (2) *parts, attachments, and accessories* for the commoditites in (1) above, (except commodities in bulk), from Marshalltown, IA, to points in the Unted States (except AK, HI, and IA). (Hearing site: Chicago, IL.)

MC 124988 (Sub-7F), filed November 16, 1978. Applicant: TRUCK SERVICE COMPANY, A Corporation, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paint and paint products,* in vehicles equipped with mechanical refrigeration, from Delaware, OH, and Oak Creek, WI, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, under contract with PPG Industries, Inc., of Pittsburgh, PA. (Hearing site: Pittsburgh, PA.)

MC 126679 (Sub-8F), filed November 20, 1978. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Ariel V. Conlin, 53 Sixth St. NE, Atlanta, GA 30308. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *poles, posts, piling, and timbers,* between points in Chatham and Toombs Counties, GA, on the one hand, and, on the other, points in AL, FL, GA, MD, NC, SC, TN, and VA. (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 127187 (Sub-43F), filed October 12, 1978. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, MN 56537. Representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58102. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *fertilizer and fertilizer materials,* in bulk, from the facilities of Land O'Lakes Agricultural Services Division, at or near Mason City, IA, to points in MN, ND, NE, SD, and WI. (Hearing site: Minneapolis, MN.)

MC 128746 (Sub-45F), filed October 16, 1978. Applicant: D'AGATA NATIONAL TRUCKING COMPANY, a corporation, 3240 South 61st St., Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M St., N.W., Suite 501, Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic bottles,* and (2) *materials and supplies* used in the manufacture and distribution of plastic bottles (except commodities in bulk), between the facilities of Hoover Beverage Bottle, Division of Hoover Universal, Inc., at or near New Castle, DE, on the one hand, and, on the other, points in CT, MA, MD, NJ, NY, PA, RI, and WV. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 125535 (Sub-10F), filed November 22, 1978. Applicant: JOHN SHARP TRUCKING COMPANY, INC., 12015 Manchester Road, Suite 118, St. Louis, MO 63131. Representative: Donald S. Helm (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tile, clay, earthenware fixtures, and china fixtures,* and (2) *materials, equipment, and supplies* used in the manufacture and installation of the commodities in (1) above, (except commodities in bulk), (a) between Cloverport and Lewisburg, KY, Olean, NY, and Jackson, TN, on the one hand, and, on the other, those points in the United States in and east of CO, NM, MT, and WY, and (b) between Lansdale and Quakertown, PA, on the one hand, and, on the other, those points in the United States in and east of CO, NM, MT, and WY (except points in CT, DE, ME, MD, MA, NH, NY, PA, RI, VT, VA, WV, and DC) under contract with American Olean

Tile Company, of Lansdale, PA. (Hearing site: Washington, DC.)

MC 125951 (Sub-37F), filed October 22, 1978. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 61806. Representative: Robert M. Cimino (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cabinets and vanities,* in containers, from the facilities of Aristo-Kraft, at or near Jasper, IN, to points in NE and IA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Minneapolis, MN.)

MC 129480 (Sub-35F), filed September 29, 1978. Applicant: TRI-LINE EXPRESSWAYS LTD., 550—71 Avenue SE., Calgary, Alberta, Canada T2H OS6. Representative: Richard S. Mandelson, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 82064. To operate as a *common carrier,* by motor vehicle, in foreign commerce, over irregular routes, transporting *cement,* in bags, from ports of entry on the International Boundary line between the United States and Canada at points in ID, MN, MT, ND, and WA, to points in AZ, CA, CO, ID, IA, KS, MN, MT, NE, NM, ND, OK, SD, TX, UT, and WY, restricted to the transportation of traffic originating at points in the Provinces of British Columbia and Alberta, Canada. CONDITION: Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Portland, OR.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of the Provinces of Alberta, Saskatchewan, and Manitoba regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 133095 (Sub-197F), filed November 13, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *general commodities* (except commodities in bulk and classes A and B explosives), from the facilities of Houston Merchants Shippers Association and Dal-Worth Shippers Association, in GA, IL, MA, NJ, NC, and PA, to points in TX, restricted to the transportation of traffic originating at the indicated origins and destined to the indicated destination. (Hearing site: Dallas, TX.)

MC 133095 (Sub-210F), filed October 26, 1978. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products,* in packages, from points in Jefferson County, TX, to points in IN, IL, MI, IA, OH, NE, MO, KY, TN, MS, WI, and LA. (Hearing site: Houston or Dallas, TX.)

MC 133119 (Sub-149F), filed November 17, 1978. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* in interstate or foreign commerce, by motor vehicle, over irregular routes, transporting. *Meat, meat products, and meat by-products and articles distributed by meat-packing houses,* as described in Section 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 John Morrell & Co., at Estherville and Sioux City, IA, and Worthington, MN, to points in CA. Restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 133119 (Sub-151F), filed November 20, 1978. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture,* from points in Nemaha County, NE, to points in ID, MT, UT, WA, and WY. (Hearing site: Dallas, TX, or Omaha, NE.)

MC 133119 (Sub-152F), filed November 20, 1978. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulation and insulation materials,* (except commodities in bulk), from the ports of entry on the International Boundary line between the United States and Canada, at or near Sweetgrass, MT, Pembina and Portal, ND, and Blaine, WA, to those points in the United States in and west of WI, IL, MO, AR, and LA (except AK and HI), restricted to the transportation of traffic originating in the Provinces of British Columbia, Alberta, and Manitoba, Canada. CONDITION: Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Portland, OR or Omaha, NE.)

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 Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 133841 (Sub-7F), filed October 23, 1978. Applicant: DAN BARCLAY, INC., P.O. Box 426, Li 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pile driving equipment,* between points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 133841 (Sub-8F), filed October 24, 1978. Applicant: DAN BARCLAY, INC., P.O. Box 426, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier,* by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting (1) *air handling and energy recovering equipment,* and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities named in (1) above, (except commodities in bulk), between the facilities of Flo-Con, Division Tenrac Corp., at or near Garwood and West Milford, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 134105 (Sub-32F), filed November 22, 1978. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, TN 37404. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned foodstuffs,* (except frozen), (1) from the facilities of Bruce Foods Corp., at Cade and Lozes, LA, and Wilson, NC, to points in AL, GA, IL, IN, IA, KS, KY, MI, OH, OK, TN, and WI, and (2) between the facilities of Bruce Foods Corp., at or near Cade and Lozes, LA, on the one hand, and, on the other, the facilities of Bruce Foods Corp., at Wilson, NC, restricted in (1) and (2) above, to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: New Orleans, LA.)

MC 134105 (Sub-33F), filed November 22, 1978. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, TN 37404. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, at or near Cleveland, TN, to points in AL, AR, CO, FL, GA, ID, IL, IN, IA, KS, LA, MI, MS, MO, MT, NE, NC, OK, OR, SC, TX, WA, and WY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC 134105 (Sub-34F), filed November 22, 1978. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, TN 37404. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages,* from the facilities of Adolph Coors Co., at Golden, CO, to points in IA, MO, and TX, and (2) *malt beverage containers,* in the reverse direction, restricted in (1) and (2) above, to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 134105 (Sub-35F), filed November 28, 1978. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, TN 37404. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* (except in bulk), from the facilities of Southeastern Public Service Company, Mid-Continent Underground Storage, at Bonner Springs, KS, to points in AR, CO, GA, LA, MO, NC, OK, SC, TN, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations., (Hearing site: Kansas City, KS, or Kansas City, MO.)

MC 134145 (Sub-69F), filed November 24, 1978. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *parts* for computing machines, and (2) *materials and supplies* used in the manufacture and operation of computing machines, (except commodities in bulk), from Minneapolis, MN, to New York, NY, under contract with Control Data Corporation, of Minneapolis, MN. (Hearing site: St. Paul, MN.)

NOTE: Dual operations may be involved.

MC 134328 (Sub-6F), filed November 22, 1978. Applicant: D & G TRUCKING COMPANY, INC., P.O. Box 1004, Wynne, AR 72396. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *copper articles* and *commodities used in the manufacture and distribution of copper articles,* (except commodities in bulk), between Wynne, AR, Pine Hall, NC, and Zelienople, PA, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Halstead Metal Products, of Zelienople, PA. (Hearing site: Memphis, TN.)

MC 134838 (Sub-20F), filed November 27, 1978. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236, Bolton Station, Atlanta, GA 30318. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *material handling equipment and material processing equipment,* from Loganville, GA, to points in AL, FL, KY, MS, NC, SC, TN, VA, and WV; and *materials and equipment* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Atlanta, GA.)

MC 135326 (Sub-13F), filed Agust 1, 1978. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 North Market St., Shreveport, LA 71107. Representative: J. D. Haynes, P.O. Box 7959, Shreveport, LA 71107. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing granules,* in bulk, between the facilities of 3-M Company, at or near Little Rock, AR, on the one hand, and, on the other, the facilities of CertainTeed Corporation, at or near Dallas, TX. (Hearing site: Dallas, TX, or Little Rock, AR.)

MC 135895 (Sub-30F), filed November 27, 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. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *paper and paper articles,* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Mobile, AL, on the one hand, and, on the other, points in AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Jackson, MS, or Mobile, AL.)

MC 135962 (Sub-4F), filed October 23, 1978. Applicant: MARY KAY CARTAGE, INC., 5275 Naiman Parkway, Solon, OH 44139. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail stores, between points in Cuyahoga and Mahoning Counties, OH, on the one hand, and, on the other, points in Lawrence, Mercer, and Venango Counties, PA, and points in Hancock County, WV, under contract with J. C. Penney Company, Inc., of New York, NY. (Hearing site: Columbus or Cleveland, OH.)

MC 136640 (Sub-13F), filed September 18, 1978. Applicant: ROBERT L. ALLEN, d.b.a. R. ALLEN TRANSPORT, P.O. Box 456, Pocomoke City, MD 21851. Representative: S. Michael Richards, P. O. Box 225, Webster, NY 14580. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned foods,* from Hallwood, VA, to points in IL, IN, IA, KS, MN, NE, ND, OH, SD, and WI, under contract with John W. Taylor Packing Co., Inc., of Hallwood, VA. (Hearing site: Washington, DC.)

MC 138157 (Sub-95F), filed October 10, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga,

TN 37412. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fireplaces*, and (2) *materials, equipment, and supplies* used in installation of fireplaces, from the facilities of Marco Manufacturing, Inc., at Lynwood, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: San Francisco, CA.)

NOTE.—Dual operations are involved.

MC 138157 (Sub-96F), filed October 10, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *common carrier*, by motor, in interstate or foreign commerce, over irregular routes, transporting *shaped metal articles and parts* for shaped metal articles, (except commodities which because of size or weight require the use of special equipment), from the facilities of Simpson Company, at San Leandro, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at the named origin. (Hearing site: San Francisco, CA.)

NOTE.—Dual operations are involved.

MC 138256 (Sub-11F), filed October 13, 1978. Applicant: INTERIOR TRANSPORT, INC., N. 2128 Waterworks Way, P.O. Box 3347 TA, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sprinkler irrigation systems*, knocked down, and *components, parts, and accessories* for sprinkler irrigation systems, from Catoosa, OK, to those points in the United States in and west of MN, IA, NE, KS, OK, and TX, (except AK and HI), under contract with Gifford-Hill & Co. Inc., of Spokane, WA. (Hearing site: Seattle, WA.)

MC 138328 (Sub-75F), filed November 17, 1978. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic resins*, from Chicago, IL, to points in AR, CO, KS, NM, OK, TN, and TX. (Hearing site: Dallas, TX.)

NOTE.—Dual operations may be involved.

MC 138366 (Sub-4F), filed October 13, 1978. Applicant: DOUG RUCKDASCHEL, d.b.a. RUCKDASCHEL TRUCK LINE, R. R. 1, Box 9, Postville, IA 52162. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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 reports in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corp., at Postville, IA, to points in IN, MI, MN, NE, OH, PA, NJ, and NY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 139482 (Sub-69F), filed October 23, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen boxed meat*, from (1) Boston, MA, New York, NY, Philadelphia, PA, Wilmington, DE, Baltimore and Mt. Airy, MD, and Miami and Tampa, FL, to points in Allegheny, Washington, and Westmoreland Counties, PA, and points in IL, IN, IA, KY, MI, MN, MO, OH, TN, and WI; and (2) Minneapolis, and Albert Lea, MN, Green Bay and Milwaukee, WI, Fremont and Omaha, NE, Sioux City, IA, Kansas City, MO, and Wichita, KS, to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NC, OH, OK, SC, TN, TX, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 139482 (Sub-70F), filed October 23, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from the facilities of Termicold Corporation, at or near Plover, WI, to points in the United States (except AK, HI, and WI), restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 139858 (Sub-32F), filed November 16, 1978. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Avenue, Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street, NW., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of American Standard Inc., in AZ, AR, CA, CO, CT, GA, IL, IN, IA, KS, KY, LA, MD, MI, MO, NJ, NV, NY, NC, OH, PA, SC, TX, and WA, under contract with American Standard Inc., of New Brunswick, NJ. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 140829 (Sub-148F), filed November 17, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P. O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commoditites in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of John Morrell & Company, at East ST. Louis, IL and Cincinnati, OH, to points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations.(Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 140859 (Sub-7F), filed November 22, 1978. Applicant: WESTERN KENTUCKY TRUCKING, INC., P. O. Box 1072, Henderson, KY 42420. Representative: George M. Catlett, Suite 708 McClure Bldg., Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except frozen) and (2) *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs, between Owensboro and Henderson, KY, on the one hand, and, on the other, points in IL, IN, KY, MO, TN, and those in OH on and south of Interstate Hwy 70. (Hearing site: Owensboro or Henderson, KY.)

NOTE.—Dual operations may be involved in this proceeding.

MC 141085 (Sub-4F), filed November 9, 1978. Applicant: EAST COAST TRUCKING, INC., 90 Rentell Road, Hamden, CT 06514. Representative: John E. Fay, 630 Oakwood Avenue,

Suite 127, West Hartford, CT. 06110. To operate as a *contact carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *processed log products, and millworks,* and (2) *materials, accessories, parts and supplies* used in the assembly and manufacture or log homes, between Houston, MO, Lawrenceville, VA, Great Barrington, MA, on the one hand, and, on the other, points in AZ, AR, CA, ID, IA, LA, MN, MS, MT, NE, NV, ND, OR, SD, UT, WA, and WY, under contract with New England Log Homes, Inc., d.b.a. Nelhi, of Hamden, CT. (Hearing site: Hartford or New haven, CT.)

MC 141459 (Sub-2F), filed November 21, 1978. Applicant: A.G.S. ENTERPRISES, INC., 809 Columbia Blvd., Litchfield, IL 62056. Representative: Allan C. Zuckerman, 39 S. La Salle St., Chicago, IL 60603.To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles* (except in bulk), from the facilities of International Paper Company, at Litchfield, IL, to points in AL, AR, CT, FL, GA, IL, KY, MD, NE, NJ, NC, ND, NY, OK, SC, SD, TN, TX, VA, WV, and DC, and (2) *materials, equipment and supplies* used in the manufacture of plastic articles, (except commoditites in bulk), in the reverse direction. (Hearing site: Chicago, IL.)

MC 141546 (Sub-28F), filed October 10, 1978. Applicant: BULK TRANSPORT SERVICE, INC., One Dundee Park, Andover, MA 01810. Representative: Kenneth B. Williams, 84 State St., Boston, MA 02109.To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gasoline and fuel oil,* in tank vehicles, from the facilities of Gibbs Oil C0., at Revere, MA, to points in RI and NH. (Hearing site: Boston, MA.)

MC 141641 (Sub-9F), filed October 22, 1978. applicant: WILSON CERTIFIED EXPRESS, INC., P. O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. To operate as a *common carrrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, foodstuffs, packinghouse products, and those requiring special equipment), from Boston and Holyoke, MA, and New York, NY, to Amarillo, Austin, Dallas, El Paso, Houston, Laredo, Lubbock, and San Antonio, TX, Chicago, IL, St. Louis and Kansas City, MO, Minneapolis, MN, and Milwaukee, WI, restricted to the transportation of traffic moving on bills of lading of freight forwarders. (Hearing site: New York, NY)

NOTE.—Dual operations may be involved.

MC 141805 (Sub-1F), filed November 9, 1978. Applicant: HOOSIER TRANSPORT, INC., R.R. 1, Box 294, Mt. Vernon, IN 47620. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from the facilities of Youngstown Sheet and Tube Company, at East Chicago IN, to points in KY and TN. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—The person or persons who appear to be engaged in common control must either file an application under 49 USC § 11343(a) formerly Section 5(2) of the Interstate Commerce Act or submit an affidavit indicating why such approval is unnecessary.

MC 141932 (Sub-3F), filed October 25, 1978. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, at or near Cleveland, TN, to points in CT, DE, FL, GA, IL, IN, LA, ME, MD, MA, NH, NJ, NY, OH, PA, RI, TX, VT, and WV. (Hearing site: Boston, MA, or Washington, DC.)

NOTE.—Dual operations may be involved.

MC 142189 (Sub-39F), filed November 16, 1978. Applicant: C. M. BURNS, doing business as, Western Trucking, 521 Lincoln Ave., Baker, MT 59313. Representative: Michael R. Griffith, P.O. Box 980, Baker, MT 59313. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber products, lumber mill products, wood, and wood products,* from points in ID, MT, OR, and WA, to points in IL, IN, IA, KS, MI, MN, MO, MT, NE, ND, OH, SD, and WI. (Hearing site: Billings, MT.)

MC 143885 (Sub-2F), filed November 8, 1978. Applicant: HARLAND AARON WILCOX AND LEROY H. WILCOX, d.b.a. WILCOX TRUCKING, 206 Charles Street, Elk Rapids, MI 49629. Representative: Eugene D. Anderson, Suite 428, 910 Seventeenth St, N.W., Washington, DC 20006. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes transporting (1) *foodstuffs,* and (2) *materials and supplies* used in the processing of food and food products between Traverse City, Elk Rapids, and East Jordan, MI, on the one hand, and, on the other those points in the United States in and east of MT, WY, CO, and NM, under contracts with Traverse City Canning Co., of Traverse City, MI, Elk Rapids Packing Co., of Elk Rapids, MI, and Sherman Canning Co., Inc., of East Jordan, MI. (Hearing site: Traverse City, MI.)

MC 144488 (Sub-1F), filed November 28, 1978. Applicant: B & B LINES, INC., P.O. BOX 344, Ahoskie, NC 27910. Representative: Richard J. Lee, 4070 Falstone Road, Richmond, VA 23234. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural fertilizer and agricultural pesticides,* (except in tank vehicles), (1) from Norfolk and Suffolk, VA, to those points in NC on, east, and north of a line beginning at the VA-NC State line and extending along U.S. Hwy 1 to junction U.S. Hwy 70, then along U.S. Hwy 70 to the Atlantic Ocean, and (2) from the destination points in (1) above to points in VA. (Hearing site: Richmond, VA, or Raleigh, NC.)

MC 144819 (Sub-5F), filed November 21, 1978. Applicant: C & N TRANSPORT, INC., 727 South Overhead Drive, Oklahoma City, OK 73108. Representative: C. L. Phillips, Room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, OK 73106. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Armour & Company, at or near Louisville, KY, to Laredo, TX. (Hearing site: Oklahoma City, OK.)

MC 144819 (Sub-6F), filed November 22, 1978. Applicant: C & N TRANSPORT, INC., 727 South Overhead Drive, Oklahoma City, OK 73108. Representative: C. L. Phillips, Room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, OK 73106. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, SD, to points in AL, FL, GA, LA, MS, NC, SC,

and TN. (Hearing site: Oklahoma City, OK.)

MC 144888 (Sub-3F), filed November 9, 1978. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 92 East Main Street, Somerville, NJ 08876. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by cigar stores and drug stores (except commodities in bulk and foodstuffs), from the facilities of Beecham Products Company, at Aiken, SC, to Mechanicsburg, PA, Morrisville (Bucks County) PA, Rockwood, MI, Chicago, IL, Kansas City, MO, Memphis, TN, Savannah, GA, Los Angeles, CA, and Denver, CO, under contract with Beecham Products Company, of Pittsburgh, PA. (Hearing site: Washington, DC.)

MC 145059 (Sub-5F), filed October 5, 1978. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Boulevard, Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from the facilities of Green Giant Company, at Vineland, NJ, to points in CT, ME, MA, NH, RI, and VT, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Neward, NJ.)

MC 145088 (Sub-2F), filed November 22, 1978. Applicant: S & T TRUCKLOAD, INC., 2527 Northeast 28th Street, Fort Worth, TX 76106. Representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asphalt water proofing compounds, asphalt water proofing materials, lubricating oils, and lubricating greases* (except commodities in bulk, in tank vehicles), from Fort Worth, TX, to points in the United States (except AK and HI). (Hearing site: Forth Worth or Dallas, TX.)

MC 145135 (Sub-2F), filed November 28, 1978. Applicant: JOHN E. DILLON, d.b.a. DILLON TRUCKING COMPANY, Route 1, Box 56, Cullen, VA 23934. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *buildings knocked down, and parts and attachments* for buildings, and (2) *materials and supplies* used in the installation of buildings, from the facilities of Traditional Log Homes, Inc., at or near State Road, NC, to points in AL, GA, IL, IN, KY, MD, MS, OH, SC, TN, VA, WV, and DC. (Hearing site: Greensboro or Charlotte, NC.)

MC 145277 (Sub-2F), filed October 10, 1978. Applicant: P & P TRUCKING COMPANY, INC., 106 Teaneck Road, Ridgefield Park, NJ 07660. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *flavoring syrup, flavoring compounds, and beverage preparations*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, in vehicles equipped with mechanical refrigeration (except commodities in bulk), between Louisville, KY, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, under contract with Pepsi Cola Company, of Purchase, NY. (Hearing site: New York, NY.)

MC 145264 (Sub-1F), filed September 25, 1978. Applicant: GONZALO MENDOZA, d.b.a. MENDOZA TRUCKING CO., 3262 S. Bell St., Chicago, IL 60631. Representative: James R. Madler, 120 W. Madison St., Rm. 718, Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *paint, solvents, and cleaning compounds*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and application of the commodities in part (1), (except commodities in bulk), between Chicago, IL, on the one hand, and on the other, Jamaica, NY, South Plainfield, NJ, New Haven, CT, those points in IN on and north of U.S. Hwy 20, and those points in MI on and south of MI Hwy 46, under contract with The Enterprise Companies, of Wheeling, IL. (Hearing site: Chicago, IL.)

MC 145350F, filed September 7, 1978. Applicant: NATIONAL OIL & SUPPLY CO., INC., d.b.a. ELLIS TRANSPORT, 2345½ W. Kearney, Springfield, MO 65803. Representative: Turner White, 910 Plaza Towers, Springfield, MO 65804. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *emulsified asphalt*, from Springdale, AR, to points in KS, MO, and OK; and (2) *materials used in the manufacture of emulsified asphalt*, in the reverse direction. (Hearing site: Kansas City or St. Louis, MO.)

NOTE.—(a) The person or persons who appear to be engaged in common control must either file an application under Section 11343(a) (formerly Section 5(2)) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary; (b) Dual operations may be at issue in this proceeding.

MC 145415 (Sub-2F), filed November 9, 1978. Applicant: SEA-BAY TRANSPORTATION, INC., 9 South Massachusetts Street, Seattle, WA 98134. Representative: John S. Banchero, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting, *general commodities* (except classes A and B explosives), in containers, having a prior or subsequent movement by water, between points in the Seattle, WA, commercial zone. (Hearing site: Seattle or Tacoma, WA.)

MC 145527F, filed October 13, 1978. Applicant: ALTON RAY AND ORIN J. WILSON, a Partnership, d.b.a. RAY & WILSON TRUCKING, General Delivery, Micaville, NC 28755. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *olivine*, from points in Jackson, Mitchell, and Yancey Counties, NC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 145556F, filed October 13, 1978. Applicant: HEAVY MACHINERY EXPRESS, INC., 1831 East Mission Hills Road, Northbrook, IL 60062. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle St., Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *heavy machinery, and parts, attachments, and accessories* for heavy machinery, between points in FL IL, IN, KY, MI, NJ, NY, OH, OK, PA, TX, and WI, under contract with Barr Machinery-IMLI, Inc., of Franklin Park, IL. (Hearing site: Chicago, IL.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 145594F, filed October 18, 1978. Applicant: BARNES MOVING & STORAGE CO., INC., 116 Lucille Avenue, Carrollton, GA 30117. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Household goods* (except new furniture) and new furniture, between points in Carroll, Coweta, Douglas, Fayette, Haralson,

and Heard Counties, GA, on the one hand, and, on the other, points in AL, KY, MS, NC, SC, and TN, and in that part of FL on and north of FL Hwy 70. (Hearing site: Atlanta, GA.)

MC 145602F, filed October 24, 1978. Applicant: RAYMOND WARD, d.b.a. WARD TRUCKING, 3095A N.E. Rene, Gresham, OR 97030. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chilled steel shot,* in barrels, from the facilities of Wheelabrator-Frye Inc., at Mishawaka, IN, to points in OR, WA, and ID, under contract with Wheelabrator-Frye Inc., of Mishawaka, IN. (Hearing site: Portland, OR.)

MC 145759F filed November 17, 1978. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 525, Selmer, TN 38375. Representative: Richard M. Tettelbaum, Fifth Floor, Lenix Towers South, 3390 Peachtree Rd. NE, Atlanta, GA 30326. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *industrial chemicals and industrial cleaning compounds,* (except commodities in bulk), from points in DE, FL, GA, IN, LA, MD, MA, MI, MO, NJ, PA, TX, and VA, to points in AZ, CA, and NV. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations may be involved in this proceeding.

MC 145772F, filed June 16, 1978. Applicant: LANG CARTAGE CORP., 338 South 17th Street, Milwaukee, WI 53201. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in by retail mail order houses (except furniture), from the facilities of Aldens, Inc., at Chicago, IL, to points in WI, the Upper Peninsula of MI, and Dakota, Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Steele, Wabasha, Waseca, Winona, Faribault, Martin, Jackson, Cottonwood, Watonwan, Blue Earth, Redwood, Brown, Nicollet, Le Sueur, Rice, Renville, Sibley, Scott, Carver, McLeod, Kandiyohi, Meeker, Wright, Pope, and Stearns Counties, MN. (Hearing site: Chicago, IL.)

NOTE.—Dual operations may be involved in this proceeding.

MC 145805F, filed November 27, 1978. Applicant: LARRY MORRIS, d.b.a. WRIGHT WAY REPAIR, P.O. Box 437, Goldfield, IA 50542. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *disabled motor vehicles,* and (2) *replacement vehicles* for the commodities in (1) above, between points in Hamilton, Humboldt, Webster, and Wright Counties, IA, on the one hand, and, on the other, points in IL, IN, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: Des Moines, IA, or St. Paul, MN.)

PASSENGER AUTHORITY

MC 1515 (Sub-256F), filed November 28, 1978. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: W. L. McCracken (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage,* and *express and newspapers,* in the same vehicle with passengers, (1) between Barstow and Needles, CA, over Interstate Hwy 40, serving all intermediate points. Condition: Carrier must submit a statement indicating the probable impact of the abandonment of its motor carrier regular route passenger service on energy conservation and energy efficiency as provided in 49CFR §§ 1106.5(c) and 1106.7(a), Ex Parte No. 55 (Sub-No. 22), *Implementation of the Energy Policy and Conservation Act of 1975,* 357 I.C.C. 599 (1978). (Hearing site: Barstow, CA.)

NOTE.—Applicant proposes to abandon a portion of its authority as contained in MC 1515 Sub 7, third revised Sheet No. 52-A, Route 257, which reads as follows: from junction Interstate Hwy 40 and old U.S. Hwy 66, at or near Ludlow, CA, over old U.S. Hwy 66, to junction Interstate Hwy 40, northeast of Essex, CA, and return over the same route. This is a major regulatory action as defined in 49CFR § 1106.5(a)(6)

MC 2060 (Sub-12F), filed September 18, 1978. Applicant: PINE HILL-KINGSTON BUS CORPORATION, P.O. Box 175, New York, NY 12401. Representative: Bruce E. Mitchell, Fifth Floor-Lenox Towers I, 3390 Peachtree Rd., Atlanta, GA 30326. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting (A) *express and newspapers,* in the same vehicle with passengers, (1) between Oneonta, NY, and New York, NY, from Oneonta over NY Hwy 28 to Mount Tremper, NY, then over NY Hwy 212 to Woodstock, NY, then over NY Hwy 375 to junction NY Hwy 28, then over NY Hwy 28 to Kingston, NY (also from Oneonta over NY Hwy 28 via Mount Tremper to Kingston, NY), then over NY Hwy 9W to Newburgh, NY, then over NY Hwy 32 to junction NY Hwy 17, then over NY Hwy 17, via Harriman, NY, to the NY-NJ State line (also from Kingston over NY State Thruway to Suffern, NY, then over NY Hwy 17 to the NY-NJ State line), then over NJ Hwy 17 to junction NJ Hwy 3, then over NJ Hwy 3 to junction depressed hwy leading to the Lincoln Tunnel, then over depressed hwy and via the Lincoln Tunnel to New York, NY, and return over the same route, serving (a) those intermediate points between Oneonta and a point 1 mile west of the westerly city line of Kingston, NY, or (b) intermediate points in the transportation of express and newspapers the entire movement of which begins at intermediate point between Oneonta and a point 1 mile west of the westerly city line of Kingston, NY, and ends at an intermediate point on carrier's presently authorized service routes in NJ, or vice versa, restricted against the movement of express and newspapers the entire movement of which begins at New York, NY, and ends at any point in NJ, or vice versa, (2) between Cooperstown, NY, and Oneonta, NY, over NY Hwy 28, serving the intermediate points of Index, Hartwick Seminary, Milford, Portlandville, Milford Center, and Colliersville, NY, (3) serving Kingston, NY, as as intermediate point for the purpose of interlining express and newspapers only, in connection with carrier's presently authorized regular-route operations between Oneonta and New York, NY, and (4) between junction NY Hwy 17 and Interstate Hwy 87, at or near Exit 15 of Interstate Hwy 87, and junction Interstate Hwy 95, and NJ Hwy 3, at or near Exit 17 of Interstate Hwy 95, from junction NY Hwy 17 and Interstate Hwy 87 over Interstate Hwy 87 to junction Garden State Parkway, at or near Exit 14A of Interstate Hwy 87, then over Garden State Parkway to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction NJ Hwy 3, and return over the same route, serving no intermediate points, and serving junction NY Hwy 17 and Interstate Hwy 87 and junction Interstate Hwy 95 and NJ Hwy 3, for purposes of joinder only, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular-route operations; and (B) *passengers and their baggage, express, and newspapers,* in the same vehicle with passengers, between Utica, NY, and Cooperstown, NY, from Utica over Interstate Hwy 90 to junction NY Hwy 28, then over NY Hwy 28 to Cooperstown, and return over the same route, serving all intermediate points. (Hearing site: Utica, NY.)

NOTE.—The person or persons who appear to be engaged in common control must either file an application under Section 11343(a) (formerly Section 5(2)) of the In-

terstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 73742 (Sub-4F), filed October 24, 1978. Applicant: WINN BUS LINES, INC., 909 N. 17th Street, Richmond, VA 23219. Representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Louisa County, VA, and extending to points in the United States (except AK and HI). (Hearing site: Richmond, VA.)

MC 74761 (Sub-21F), filed August 23, 1978, and previously noticed in the Federal Register issue of November 16, 1978. Applicant: TAMIAMI TRAIL TOURS, INC., d.b.a. TRAILWAYS, 200 Spring St., N.W., Atlanta, GA 30303. Representative: Robert C. Boozer, 1400 Candler Bldg., 127 Peachtree St., N.E., Atlanta, GA 30303. To operate as a *common carrier,* by motor vehicle, over in interstate or foreign commerce, over regular routes, transporting *passenger and their baggage,* and *express and newspapers* in the same vehicle with passengers, (1) between Atlanta, GA, and Orlando, FL, from Atlanta over Interstate Hwy 75 to junction U.S. Hwy 27 near Ocala, FL, then over U.S. Hwy 27 to junction FL Hwy 50 at Clermont, FL, then over FL Hwy 50 to Orlando, and return over the same route, serving the intermediate points of Macon, Cordele, Tifton, and Valdosta, GA, and all intermediate points between Orlando, FL and junction Interstate Hwy 75 and U.S. Hwy 27, and serving junctions Interstate Hwy 75 and GA Hwy 257, Interstate Hwy 75 and U.S. Hwy 90, Interstate Hwy 75 and FL Hwy 47, Interstate Hwy 75 and FL Hwy 26, and Interstate Hwy 75 and FL Hwy 121 for purposes of joinder only, (2) between Cordele, GA, and junction GA Hwy 257 and Interstate Hwy 75, over GA Hwy 257, serving junction GA Hwy 257 and Interstate Hwy 75 for purposes of joinder only, (3) between junction Interstate Hwy 75 and U.S. Hwy 90, and junction Interstate Hwy 75 and FL Hwy 47: from junction Interstate Hwy 75 and U.S. Hwy 90 over U.S. Hwy 90 to Lake City, FL, then over FL Hwy 47 to junction Interstate Hwy 75, and return over the same route, serving the intermediate point of Lake City and serving the termini for purposes of joinder only, (4) between junction Interstate Hwy 75 and FL Hwy 26, and junction Interstate Hwy 75 and FL 121: from junction Interstate Hwy 75 and FL Hwy 26 over FL Hwy 26 to Gainesville, then over U.S. Hwy 441 to junction FL Hwy 331, then over FL Hwy 331 to junction FL Hwy 121, then over FL Hwy 121 to junction Interstate Hwy 75, and return over the same route, serving the intermediate point of Gainesville, and the serving the termini for purposes of joinder only, and (5) between Statenville, GA, and Lake City, FL: from Statenville over U.S. Hwy 129 to Jasper, FL, then over U.S. Hwy 41 to Lake City, and return over the same route, serving all intermediate points. (Hearing site: Atlanta and Valdosta, GA, and Gainesville, Orlando, FL)

NOTE.—This republication modifies the territorial description.

MC 143438 (Sub-4F), filed November 28, 1978. Applicant: DENISE, INC., d.b.a. TRAVEL TIME, 277 Newbury Street, Peabody, MA 01960. Representative: Robert M. Santaniello, 95 State Street, Suite 1010, Springfield, MA 01103. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage,* in the same vehicle with passenger between Webster, MA, and Southbridge, MA, from Webster over MA Hwy 197 to the MA-CT State line, then over CT Hwy 197 to Quinebaug, CT, then over CT Hwy 131 to the CT-MA State line, then over MA Hwy 131 to Southbridge, and return over the same route, serving all intermediate points. (Hearing site: Springfield or Boston, MA.)

BROKER AUTHORITY

MC 130539F, filed November 27, 1978. Applicant: APRIL I. W. HORLER, P.O. Box 271, McGraw, NY 13101. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, 425 13th Street, N.W., Washington, DC 20004. To engage in operations, in interstate or foreign commerce, as a *broker,* at East Freetown, NY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in charter and special operations, between points in Cortland and Tompkins Counties, NY, on the one hand, and, on the other, points in the United States (including AK but excluding HI). (Hearing site: Cortland, NY.)

MC 130535F, filed September 25, 1978. Applicant: ACCCENT TOURS, INC., 1616 Walnut Street, Suite 709, Philadelphia, PA 19103. Representative: Theodore Roseman (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker,* at Philadelphia, PA, in arranging for the transportation, by motor vehicle of *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in the United States (except AK and HI). (Hearing site: Philadelphia, PA.)

NOTE.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, NY,* 54, M.C.C. 291 (1952).

[FR Doc. 79-379 filed 1-3-79; 8:45 am]

[7035-01-M]

[Notice No. 767]

ASSIGNMENT OF HEARINGS

DECEMBER 28, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 74107 (Sub-No. 2F), Super Motor Lines, Inc., now being assigned for hearing on February 5, 1979, (3 days), at Raleigh, North Carolina in a hearing room to be later designated.

No. MC 139482 (Sub-No. 58F), New Ulm Freight Lines, Inc., now assigned for hearing on January 10, 1979, at New York, New York and will be held in Room E-2222, Federal Building.

No. MC 144473 (Sub-No. 1F), Dorval Corporation, now assigned for hearing on January 8, 1979, at New York, New York and will be held in Room E-2222, Federal Building.

No. MC 56679 (Sub-No. 102), Brown Transport Corporation, now assigned for hearing on January 15, 1979, (2 weeks), at Atlanta, Georgia, and will be held at the Holiday Inn-Downtown, 175 Piedmont Avenue, N.E.

No. MCC 8619, Transport of New Jersey, and Port Authority of New York and New Jersey—Investigation of Operations and Practices ETAL, now assigned for hearing on January 8, 1979, at New York, New York and will be held in Room 2206, Federal Bldg.

No. MC 140024 (Sub-No. 97F), J. B. Montgomery, Inc. a Delaware Corporation, now assigned for hearing on January 11, 1979, at New York, New York and will be held in Room 2206, Federal Bldg.

No. MC 140024 (Sub-No. 98F), J. B. Montgomery, Inc. a Delaware Corporation, now assigned for hearing on January 8, 1979, at New York, New York and will be held in Room 2206, Federal Bldg.

No. MC 36745, Petition For Investigation-Bus Terminal of the Port Authority of New York and New Jersey, now assigned for hearing on January 8, 1979, at New York, New York and will be held in Room 2206, Federal Building.

No. MC 43963 (Sub-No. 16F), Chief Truck Lines, Inc., now assigned for hearing on January 10, 1979, At Birmingham, Alabama and will be held in Ramada Inn Medical Center.

No. MC 138882 (Sub-No. 30), Wiley Sanders, Inc., now assigned for hearing on January 11, 1979, at Birmingham, Alabama and will be held in Ramada Inn Medical Center.

No. MC 134426 (Sub-No. 6F), McCort Drive-A-Way, Inc., now assigned for hearing on January 18, 1979, at Jacksonville, Florida and will be held in Tax Court Room 137, U.S. Post Office and Courthouse.

No. MC 57591 (Sub-No. 19F), Evans Delivery Company Inc., now assigned for hearing on January 15, 1979 (2 days), at Philadelphia, Pa., and will be held in New U.S. Courthouse, 601 Market Street.

No. MC 144620F, Executive Coach, Inc., now assigned for hearing on January 17, 1979, (3 days), at Lancaster, Pa., and will be held at the Holiday Inn-North Route 501, 1492 Lititz Pike.

No. MC 144843 (Sub-No. 1F), W.R. Grace & CO., DBA Grace Distribution Service, now assigned for hearing on January 15, 1979, (1 day), at New York, N.Y., and will be held in Room, D-2206, Federal Building, 26 Fedral Plaza.

No. MC 119619 (Sub-No. 126F), Distributors Service Co., now assigned for hearing on January 16, 1979, (2 days), at New York, N.Y., and will be held in Room D-2206, Federal Building, 26 Federal Plaza.

No. MC 115841 (Sub-No. 624F), Colonial Refrigerated Transportation Inc., now assigned for hearing on January 15, 1979, at Orlando, Florida and will be held in Howard Johnson's Motor Inn.

No. MC 140024 (Sub-No. 99F), J. B. Montgomer, Inc., now assigned for hearing January 22, 1979, (1 day), at New York, N.Y., will be held in Room F-2220, Federal Building, 26 Federal Plaza.

No. MC 138328 (Sub-No. 60F), Clarence L. Werner, DBA Werner, Enterprises, now assigned for hearing January 23, 1979, (2 days), at New York, N.Y., will be held in Room F-2220, Federal Building, 26 Federal Plaza.

No. MC 139584 (Sub-No. 15F), John Busch, now assigned for hearing on January 25, 1979, (2 days), at New York, N.Y., will be held in Room F-2220, Fedral Building, 26 Federal Plaza.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-374 Filed 1-3-79; 8:45 am]

[7035-01-M]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 29, 1978.

This application for long-and short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before January 19, 1979.

FSA No. 43647, Nedlloyd Lijnen BV's No. 1, intermodal rates on commodities in containers, from rail carriers' terminals at U.S. Pacific Coast ports, by way of U.S. Atlantic Coast Ports, also New Orleans, La., and Houston, Tex., to ports on the Arabian Gulf, Persian Gulf, Gulf of Aden, and the Red Sea, in its Tariff I, ICC 1, effective January 7, 1979. Grounds for relief—water competition.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-373 Filed 1-3-79; 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

DECEMBER 27, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by January 15, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier,* by motor vehicles, over irregular routes.

MC 34631 (Sub-E3), filed May 15, 1974. Applicant: A. ARNOLD & SON TRANSFER AND STORAGE CO., INC., 2600 West Broadway, P.O. Box 11033, Louisville, KY 40211. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, DC 20036. *Household goods,* as defined by the Commission, (1) from points in AL to points in IND, MD, MO, NJ, NY, and DC; (2) from points in AR to points in MD, IND, NJ, NY, OH, PA, and DC; (3) from points in CO to points in NJ; (4) from points in CT to points in FL, GA, IN, MO, OH south of I Hwy 70, VA and DC; (5) from points in DE to points in GA, IL, IN, MO, OH south of I Hwy 70, and TN; (6) from points in FL to points in DE and DC; (7) from points in GA to points in DE, RI, WV, and DC; (8) from points in IL to points in DE, KS, MD, WV, and DC; (9) from points in IN to points in CO, CT, DE, IA, KS, MD, MA, MN, NE, RI, and DC; (10) from points in IA to points in FL, GA, MD, NJ, NY, OH, PA, TN, VA, and DC; (11) from points in KS to points in DC; (12) from points in LA to points in IL, MD, MO, NJ, OH, PA, and DC; (13) from points in MD to points in GA, MI, NC, CT, and RI; (14) from points in MA to points in IL, IN, MD, MO, TN, VA, and DC; (15) from points in MI to points in FL, GA, MD, NJ, NY, TN, VA, and DC; (16) from points in MN to points in FL, GA, MD, NJ, NY, OH, PA, TN, VA, and DC; (17) from points in MS to points in IN, MD, MO, NJ, OH, VA, and DC; (18) from points in MO to points in DE; (19) from points in NE to points in IN, MD, NY, OH, PA and TN; (20) from points in NJ to points in CO, MI, NC, SC, DC, and WV; (21) from points in NY to points in IA, MD, MI, MN, WI, and DC; (22) from points in NC to points in MD, VA, and DC; (23) from points in OH to points in IA; (24) from points in OH south of I Hwy 70 to points in CT, DE, MD, RI, and WI; (25) from points in OK, IL south of US Hwy 36, MD, PA, and DC; (26) from points in PA to points in CO, IA, MN, NE, NC, and SC; (27) from points in RI to points in GA, IN, MD, MO, OH south of I Hwy 70, TN, and DC; (28) from points in SC to points in MD, NJ, NY, and DC; (29) from points in TN to points in KS, MD, NE, OK, and WV; (30) from points in TX to points in MD, NJ, NY, and DC; (31) from points in WV to points in FL, GA, IL, MO, and TN; (32) from points in WI to points in GA, MD, NS, NY, OH south of I Hwy 70, TN, PA, VA, and DC; and (33) from points in DC to points in CT, GA, MA, MI, NC, RI, SC, TN, and WI. (Gateways eliminated: points in KY and VA.)

MC 115826 (Sub-E66), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036. *Pickles,* in containers, from points in CO on and west and south of a line beginning at the CO-NM state line, and extending along Interstate Hwy 25 to Denver, then along U.S. Hwy 85 to junction CO Hwy 14, then along CO Hwy 14 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the CO-UT state line, including service from all points in the commercial zones of cities located on the above-described line, to points in NE on and east of a line beginning at the NE-KS state line, and extending along U.S. Hwy 281 to Grand Island, then along U.S. Hwy 281 to junction NE Hwy 92, then along NE Hwy 92 to junction NE Hwy 11, then along NE Hwy 11 to junction U.S. Hwy 20, then along U.S. Hwy 20 to Valentine, then along U.S. Hwy 83 to the NE-SD state line, including service to points in the commercial zones of all cities located along the above—described line. (Eliminate the Gateway of Denver, CO.)

MC 115826 (Sub-E67), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036. *Pickles,* in containers, from points in Colorado on and east and north of a line beginning at the Colorado-Wyoming state line, and extending along U.S. Hwy 287 to junction Colorado Hwy 119, then along Colorado Hwy 119 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the western boundary of Jefferson County, then along the western and southern boundaries of Jefferson County and the southern boundary of Douglas County to the junction of the southern boundary of Douglas County with Colorado Hwy 67, then along Colorado Hwy 67 to Woodland Park, Colorado, then along U.S. Hwy 24 to the Colorado-Kansas state line, to points in Arizona on and west and south of a line beginning at the Utah-Arizona state line and extending along U.S. Hwy 89 to junction U.S. Hwy 66, then along U.S. Hwy 66 to the Arizona-New Mexico state line. (Eliminate the Gateway of Denver, CO.)

MC 115826 (Sub-E68), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036. *Meats, meat products and meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from points on and east of a line beginning at the junction of the CO-NM state line and extending along Interstate Hwy 25 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 285, then along U.S. Hwy 285 to the western boundary of Jefferson County, then along the western boundary of Jefferson County to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction CO Hwy 119, then along CO Hwy 119 to the northern boundary of Gilpin County, then along the northern boundary of Gilpin County to the western boundary of Boulder County, then along the western boundaries of Boulder and Larimer Counties to the junction of the western boundry of Larimer County with U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 287, then along U.S. Hwy 287 to the CO-WY state line, to points in CA on and west and north of a line beginning at the Pacific Ocean, and extending along an unidentified Hwy to Newport Beach, CA then along CA Hwy 55 to junction CA Hwy 91, then along CA Hwy 91 to junction U.S. Hwy 395, then along U.S. Hwy 395 to junction Interstate Hwy 15, then along Interstate Hwy 15 to Barstow, then along CA Hwy 58 to junction U.S. Hwy 395, then along U.S. Hwy 395 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the CA-NV state line. (Eliminate the Gateway of Denver, CO.)

MC 115826 (Sub-E69), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036. *Frozen, fresh* and *cured meats* and *frozen meat products,* from points in CO on and east and south of a line beginning at the CO-NM State line, and extending along U.S. Hwy 85 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction U.S. Hwy 24, thence along U.S. Hwy 24 to the CO-KS state line, including service from all cities and their commercial zones located on the above-mentioned line, to points in OR on and west of a line beginning at the CA-OR state line and extending along U.S. Hwy 97 to junction U.S. Hwy 20 at or near Bend, OR, then along U.S. Hwy 20 to junction OR Hwy 126 then along OR Hwy 126 to junction OR Hwy 22, then along OR Hwy 22 to junction U.S. I Hwy 5, then along I Hwy 5 to junction I Hwy 205, then along I Hwy 205 to the Columbia River; and those points in WA on and west of a line beginning at the WA-OR state line and extending along I Hwy 5 to Olympia, WA, then returning south on U.S. I Hwy 5 to junction U.S. Hwy 101 and OR Hwy 8, then along U.S. Hwy 101 and OR Hwy 8 to their separation, then along OR Hwy 8 to junction U.S. Hwy 12, then along U.S. Hwy 12 to Aberdeen, WA, then along to the Pacific Ocean, including service to all cities located on the above-mentioned line and their commercial zones. (Gateway eliminated: point within 50 miles of Boulder, CO.)

MC 115826 (Sub-E70), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036. *Malt beverages,* from points in CO on and east of a line beginning at the CO-NM state line, and extending along I Hwy 25 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 285, then along U.S. Hwy 285 to the western boundary of Jefferson County then along the western boundary of Jefferson County to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction CO Hwy 119, then along CO Hwy 119 to the northern boundary of Gilpin County, then along the northern boundary of Gilpin County to the western boundary of Boulder County, then along the western boundaries of Boulder and Larimer Counties to the junction of Larimer County and U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 287, then along U.S. Hwy 287 to the CO-WY state line, including all points in the commercial zones of all cities lying along the above-described line. (Gateway eliminated: points of Golden, CO.)

MC 125433 (Sub-E64), filed September 5, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Commodities which* by reason of size or weight, require special handling or the use of special equipment and commodities when also machinery, boilers, storage tanks, and parts therefor, structural steel, and contractors' outfits, and supplies requiring special equipment or rigging which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight, require special handling or the use of special equipment (except commodities in bulk). (1) between points in CO on and west of U.S. Hwy 50 beginning at the CO-UT state line, extending along U.S. Hwy 50 to junction U.S. Hwy 550, then along on U.S. Hwy 550 to the CO-NM State line, on the one hand, and, on the other, points in MT. (2) between points in CO on and within a line beginning at the CO-UT State line extending along U.S. Hwy 50 to junction U.S. Hwy 550, then south on U.S. Hwy to the CO-NM State line, then along the State line to junction U.S. Hwy 285 then along U.S. Hwy 285 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction CO Hwy 789, then north on CO Hwy 789 to the CO-WY State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the U.S. Hwy-CN International State line extending along MT Hwy 242 to junction U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87, then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY State line. (3) between points in CO on and within a line beginning at the CO-WY State line extending along CO Hwy 789 to junction U.S. Hwy 24, then east and south on U.S. Hwy 24 to junction U.S. Hwy 285, then north on U.S. Hwy 285 to junction CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east on U.S. Hwy 40 to junction CO Hwy 125, then north on CO Hwy 125 to the CO-WY State line, on the one hand, and, on the other, points in MT west of a line beginning at the U.S.-Canadian International Boundary extending along MT Hwy 242 to junction U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87, then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY State line. (4) be-

tween points in CO on and within a line beginning at the CO-NM State line extending along U.S. Hwy 285 to junction CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east and south on U.S. Hwy 40 to junction I Hwy 25, then south on I Hwy 25 to CO-NM State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the MT-WY State line extending along U.S. Hwy 191 to junction I Hwy 90, then west along I Hwy 90 to junction U.S. Hwy 287, then north along U.S. Hwy 287 to junction U.S. Hwy 91, then north along U.S. Hwy 91 to junction U.S.-Canadian International Boundary line; and (5) between points in CO, on the one hand, and, on the other, points in that part of MT on and west of a line beginning at the MT-ID State line extending along I Hwy 15 to junction U.S. Hwy 10, then west along U.S. Hwy 10 to junction I Hwy 90, then north along I Hwy 90 to junction U.S. Hwy 93, then north on U.S. Hwy 93 to junction U.S.-Canadian State line. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E65), filed September 5, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Special-purpose* trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and *those designed for use incidental to construction and mining projects* (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service), when also commodities which by reason of size or weight, require special handling, or the use of special equipment, and *special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines,* and *those designed for use incidental to construction and mining projects* (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service), which do not require special handling, or the use of special equipment when moving in the same shipment on the same bill of lading as special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except in either case, trailers designed to be drawn by passenger automobiles in truck-away service), when also commodities which by reason of size or weight, require special handling or the use of special equipment; (1) between points in CO on and west of a line beginning at the CO-UT State line extending along U.S. Hwy 50 to junction U.S. Hwy 550, then south on U.S. 550 to the CO-NM state line, on the one hand, and, on the other, points in MT. (2) Between points in CO on and within a line beginning at the CO-UT border extending along U.S. Hwy 50 to junction U.S. Hwy 550, then south on U.S. Hwy 550 to the CO-NM State line, then east on the State line to U.S. Hwy 285, then north on U.S. Hwy 285 to junction U.S. Hwy 24, then north on U.S. Hwy 24 to junction CO Hwy 789, then north on CO Hwy 789 to the CO-WY State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the U.S.-CN International Boundary line extending along MT Hwy 242 to junction U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87, then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY State line. (3) Between points in CO on and within a line beginning at the CO-WY State line extending along CO Hwy 789 to junction U.S. Hwy 24, then east and south on U.S. Hwy 24 to junction U.S. Hwy 285, then north on U.S. Hwy 285 to junction State CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east on U.S. Hwy 40 to junction CO Hwy 125, then north on CO Hwy 125 to the CO-WY State line, on the one hand, and, on the other, points in MT west of a line beginning at the U.S.-CN International Boundary line extending south along MT Hwy 242 to junction U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87, then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY State line. (4) Between points in CO on and within a line beginning at the CO-NM State line extending along U.S. Hwy 285, to junction CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east and south on U.S. Hwy 40 to junction I Hwy 25, then south on I Hwy 25 to CO-NM State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the junction MT-WY State line extending along U.S. Hwy 191 to junction I Hwy 90, then west along I Hwy 90 to junction U.S. Hwy 287, then north along U.S. Hwy 287 to junction U.S. Hwy 91, then north along U.S. Hwy 91 to junction U.S.-CN International Boundary line. (5) Between points in CO, on the one hand, and, on the other, points in MT on and west of a line beginning at the junction MT-ID State line extending along I Hwy 15 to junction U.S. Hwy 10, then west along U.S. Hwy 10 to junction I Hwy 90, then north along I Hwy 90 to junction U.S. Hwy 93, then north on U.S. Hwy 93 to junction U.S.-CN International Boundary line. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E66), filed September 5, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Iron and steel articles* as described in *Appendix V* to the Commission's report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C., 209 and 766 (except commodities in bulk) (1) between points in CO on and west of a line beginning at the CO-UT State line extending U.S. Hwy 50 to junction U.S. Hwy 550, then south on U.S. Hwy 550 to the CO-NM State line on the one hand, and, on the other, points in MT. (2) between points in CO on and within a line beginning at the CO-UT State line extending along U.S. Hwy 50 to junction U.S. Hwy 550, then south on U.S. Hwy 550 to the CO-NM State line, then east along the CO-NM State line to junction U.S. Hwy 285 to junction U.S. Hwy 24, then north on U.S. Hwy 24 to junction CO Hwy 789, then north on CO Hwy 789 to the CO-WY State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the junction U.S.-CN International Boundary line extending along MT Hwy 242 to junction U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87, then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY State line. (3) between points in CO on and within a line beginning at the CO-WY State line extending along CO Hwy 789 to junction U.S. Hwy 24, then east and south on U.S. Hwy 24 to junction U.S. Hwy 285, then north on U.S. Hwy 285 to junction CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east on U.S. Hwy 40 to junction CO Hwy 125, then north on CO Hwy 125 to the CO-WY State line, on the one hand, and, on the other, points in MT west of a line beginning at the U.S.-CN International Boundary line extending along MT Hwy 242 to junction U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87, then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY State line. (4) between points in CO on and within a line beginning at the CO-NM State line extending along U.S. Hwy 285, then north on U.S. Hwy 285 to junction CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east and south on U.S. Hwy 40 to junction I Hwy 25, then south on I Hwy 25 to CO-NM State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the MT-WY State line extending along U.S. Hwy 191, to junction I Hwy 90, then west along I Hwy 90 to junction U.S. Hwy 287, then north along U.S. Hwy 287 to junction U.S. Hwy 91, then north along U.S. Hwy 91 to junction U.S.-CN International Boundary line; and (5) between points in CO, on the one hand, and, on the other,

points in MT on and west of a line beginning at the junction MT-ID State line extending along I Hwy 15 to junction U.S. Hwy 10, then west along U.S. Hwy 10 to junction I Hwy 90, then north along I Hwy 90 to junction U.S. Hwy 93, then north on U.S. Hwy 93 to junction U.S.-CN International Boundary line. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E67), filed September 5, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: *John B. Anderson* (same as above). *Pipe* (except iron and steel); and commodities in bulk (1) between points in CO on and west of a line beginning at the CO-UT State line extending along then south on U.S. Hwy 50 to junction U.S. Hwy 550, then south on U.S. Hwy 550 to the CO-NM State line, on the one hand, and, on the other, points in MT. (2) between points in CO on and within a line beginning at the CO-UT State line extending along U.S. Hwy 50 to junction U.S. Hwy 550, then south on U.S. Hwy 550 to the CO-NM State line, then east along the State line to U.S. Hwy 285, then north on U.S. Hwy 285 to junction U.S. Hwy 24, then north on U.S. Hwy 24 to junction CO Hwy 789, then north on CO Hwy 789 to the CO-WY State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the U.S.-CN International Boundary line extending along MT Hwy 242 to junction U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87, then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY State line, (3) between points in CO on and within a line beginning at the CO-WY State line extending along CO Hwy 789 to junction U.S. Hwy 24, then east and south on U.S. Hwy 24 to junction U.S. Hwy 285, then north on U.S. Hwy 285, to junction CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east on U.S. Hwy 40 to junction CO Hwy 125, then north on CO Hwy 125 to the CO-WY State line, on the one hand, and, on the other, points in MT west of a line beginning at the U.S.-CN International Boundary line extending along MT Hwy 242 to junction U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87, then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY State line, (4) between points in CO on and within a line beginning at the CO-NM State line extending along U.S. Hwy 285, to junction CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east and south on U.S. Hwy 40 to junction I Hwy 25, then south on I Hwy 25 to CO-NM State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the MT-WY State line extending along U.S. Hwy 191 to junction I Hwy 90, then west along I Hwy 90 to junction U.S. Hwy 287, then north along U.S. Hwy 287 to junction U.S. Hwy 91, then north along U.S. Hwy 91 to junction U.S.-CN International Boundary line; (5) between points in CO, on the one hand, and, on the other, points in MT on and west of a line beginning at the MT-ID State line extending along I Hwy 15 to junction U.S. Hwy 10, then west along U.S. Hwy 10 to junction I Hwy 90, then north along I Hwy 90 to junction U.S. Hwy 93, then north on U.S. Hwy 93 to junction U.S.-CN International Boundary line. (Gateway eliminated: points in UT.)

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-372 Filed 1-3-79; 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

December 20, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by January 15, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 107012 (Sub-E393), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). (1) From points in CA, to points in AL, FL, GA, KY, NC, SC, TN and VA (points in Greene County, AR). (2) From points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou and Yuba Counties, CA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (points in Greene County, AR); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA); points in MS (points in Greene County, AR). (3) From points in Inyo, Fresno, Kings and Tulare Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama,

Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (points in Greene County, AR); Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA); points in MS (points in Greene County, AR). (4) From points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA, to points in AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in LA (points in Greene County, AR); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA); points in MS (points in Greene County, AR); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR). (5) From points in Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura and San Bernadino Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA); points in MS (points in Greene County, AR). (6) From points in Imperial, Riverside and San Diego Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA); points in Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (points in Greene County, AR). (7) From points in Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary,

Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (points in Greene County, AR); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA); points in MS (points in Greene County, AR). (Gateway eliminated: indicated by asterisks above.)

MC 107012 (Sub-E394), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated,* (1) From points in CO, to points in AL, FL, GA, MS, NC, SC and TN (points in Greene County, AR). (2) From points in CO, to points in KY (*Burlington, IA) or points in (Greene County, AR). (3) From points in CO, to points in VA (*Burlington, IA). (4) From points in Garfield, Mesa, Moffat, Rio Blanco and Routt Counties, CO, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (*Burlington, IA); points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (points in Greene County, AR). (5) From points in Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit and Teller Counties, CO, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (points in Greene County, AR). (6) From points in Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR) points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Counties, LA (points in Greene County, AR). (7) From points in Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (points in Greene County, AR). (Gateways eliminated indicated by asterisks above.)

MC 107012 (Sub-E395), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated,* (1) From points in CT, to points in MS. (2) From points in Hartford, New London, Tolland, Windham and Litchfield Counties, CT, to points in AL; points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL; Points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; Points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (3) From points in Fairfield, Middlesex and New Haven Counties, CT, to points in Autauga, Bibb, Blout, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St.

Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; Points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (Gateways eliminated: Points in KY.)

MC 107012 (Sub-E396), filed May 13,1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated,* (1) From points in Hartford, Tolland, Windham and Litchfield Counties, CT, to points in Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (Gateways eliminated: Points of Cleveland, OH.)

MC 107012 (Sub-E397), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated* (1) From points in DE, to points in AL. (2) From points in Kent County, DE, to points in FL; points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Steward, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitefield Counties, GA; points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC. (3) From points in Sussex County, DE, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; points in Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC. (4) From points in New Castle County, DE, to points in FL; points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahooche, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; points in Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC. (Gateways eliminated: points in TN.)

MC 107012 (Sub-E398), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated,* (1) From Washington, DC, to points in AL; points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Telfair, Terrell, Thomas, Tift, Troup,

Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Salude, Spartanburg, Union and York Counties, SC (*points in Tennessee). (2) From Washington, DC, to points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango and Warren Counties, PA (*Newton Falls, Ohio).

MC 107012 (Sub-E399), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated,* (1) From points in FL, to points in AZ, CA, CO, ID, MT, NV, NM, OK, OR, UT, WA and WY (*Camden, AR). (2) From points in FL, to points in IA, KS and MN (points in Greene County, AR). (3) From points in FL, to points in ND and SD (*Burlington, IA). (4) From points in Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee and Sarasota Counties, FL, to points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*Camden, AR). Points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington and Suffolk Counties, NY (*Marietta); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Marietta, OH); points in TX (*Camden, AR); (5) From points in Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns and Union Counties, FL, to points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*Camden, AR); points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY (*Marietta, OH); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Marietta, OH); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnett, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (*Camden, AR). (6) From points in Broward, Collier, Dade, Martin, Monroe, Palm Beach and Saint Lucie Counties, FL, to points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY (points in Greene County, AR); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*Camden, AR); points in NY (*Marietta, OH); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Synder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Marietta, OH); points in TX (*Camden, AR). (7) From points in Brevard, Citrus, Hernando, Hillsbor-

ough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter and Volusia Counties, FL, to points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*Camden, AR); points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY (*Marietta, OH); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Marietta, OH); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glascock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacagdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (*Camden, AR). (8) From points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL, to points in Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*Camden, AR); points in NY (*Marietta, OH); points in PA (*Marietta, OH); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glascock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (*Camden, AR). (9) From points in Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL, to points in Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*Camden, AR); points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wycoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY (*Marietta, OH); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Marietta, OH); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McClenan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth,

Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacagdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (*Camden, AR). (Gateway eliminated: indicated by asterisks above.)

MC 107012 (Sub-E400), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated* (1) From points in Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee and Sarasota Counties, FL, to points in Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY (*Evansville, IN); points in Aroostook, Penobscot, Piscataquis and Somerset Counties, ME (*Milan, IN and points in KY); points in Coos County, NH (*Milan, IN and points in KY); points in Chittenden, Franklin, Grand Isle, Lamoille, Addison, Orange, Washington, Caledonia, Essex and Orleans Counties, VT (*Milan, IN and points in KY); points in Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV (*Milan, IN). (2) From points in Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter and Volusia Counties, FL, to points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY (*Evansville, IN); points in Brooke, Hancock, Marshall and Ohio Counties, WV (*Milan, IN). (3) From points in Broward, Collier, Dade, Martin, Monroe, Palm Beach and Saint Lucie Counties, FL, to points in Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmondson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble and Warren Counties, KY (*Evansville, IN); points in Chittenden, Franklin, Grand Isle and Lamoille Counties, VT (*Milan, IN and points in KY); points in Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV (*Milan, IN). (4) From points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL, to points in Hartford, New London, Tolland, Windham and Litchfield Counties, CT (*Cleveland, OH); points in ME (*Milan, IN and points in KY); points in MA (*Cleveland, OH); points in NH (*Milan, IN and points in KY); points in Morris, Sussex and Warren Counties, NJ (*Cleveland, OH); points in RI (*Cleveland, OH); points in VT (*Milan, IN and points in KY); points in Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV (*Milan, IN). (5) From points in Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL, to points in Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo and Washington Counties, ME (*Milan, IN and points in KY); points in Coos, Carroll and Grafton Counties, NH (*Milan, IN and points in KY); points in VT (*Milan, IN and points in KY); points in Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV (*Milan, IN) (Gateways) eliminated: indicated by asterisks above.)

MC 107012 (Sub-E913), filed May 15, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated—MN.* (1) From points in MN, to points in AL, FL, GA, KY, MS, NC, SC, TN and VA (*Burlington, IA). (2) From points in Aitkin, Carlton, Cook, Lake, Saint Louis and Tasca Counties, MN, to points in AZ (*Burlington, IA); points in AR (*Burlington, IA); points in Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Imperial, Riverside and San Diego Counties, CA (*Burlington, IA); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in LA (*Burlington, IA); points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra And Socorro Counties, NM (*Burlington, IA); Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK (*Burlington, IA); points in TX (*Burlington, IA). (3) From points in Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake and Roseau Counties, MN, to points in AZ (*Burlington, IA); points in AR (*Burlington, IA); Imperial, Riverside and San Diego Counties, CA (*Burlington, IA); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in LA (*Burlington, IA); points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra and Socorro Counties, NM (*Burlington, IA); points in Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK (*Burlington, IA); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces,

Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (*Burlington, IA). (4) From points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherbourne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN, to points in AZ (*Burlington, IA); points in AR (*Burlington, IA); points in CA (*Burlington, IA); Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapellos and Washington Counties, IA (*Burlington, IA); points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS (*Burlington, IA); points in LA (*Burlington, IA); points in NV (*Burlington, IA); points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra and Socorro Counties, NM (*Burlington, IA); points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Beaver, Cimarron, Texas, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK (*Burlington, IA); points in Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Harney, Klamath, Lake, Malheur, Coos, Curry, Douglas, Jackson and Josephine Counties, OR (*Burlington, IA); points in TX (*Burlington, IA); points in Beaver, Iron, Washington, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT (*Burlington, IA). (5) From points in Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin and Yellow Medicine Counties, MN, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Pointsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR (*Green County, AR); points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (*Burlington, IA); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Jhonson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in LA (*Burlington, IA); points in Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Metagorda, Milam, Montgomery, Newton Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton and Williamson Counties, TX (*Burlington, IA). (6) From points in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock and Watonwan Counties, MN, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Pointsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR (*Burlington, IA); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (*Burlington, IA). (Gateways eliminated: by asterisks above.)

MC 107012 (Sub-E414), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated* (1) From points in MS, to points in CO, ID, IA, ME, MN, MT, NV, ND, OR, SD, UT, WA and WY. (2) From points in Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaguena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS, to points in AZ; CA; KS; NH; NM; points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron and Texas Counties, OK; points in Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX; points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange,

Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester, VA. (3) From points in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone and Wayne Counties, MS, to points in Apache, Coconino, Mohave, Navajo, Yavapai and Yuma Counties, AZ; points in Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren and Washington Counties, AR; points in CA; points in KS: points in Coos, Cheshire, Hillsboro, Sullivan, Carroll and Grafton Counties, NH; McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos and Union Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron and Texas Counties, OK. (4) From points in Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith and Winston Counties, MS, to points in Apache, Coconino, Mohave, Navajo, and Yavapai Counties, AZ; points in CA; KS; NH; points in McKinley, Rio Arriba and San Juan Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron and Texas Counties, OK. (5) From points in Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendocino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA; points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS; points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott and Wolfe Counties, KY; points in NH; points in Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner and Washington Counties, OK. (6) From points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS, to points in AZ; points in Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren and Washington Counties, AR; points in CA; KS; NH; NM; OK; points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX. (Gateways eliminated: points of Greene County, AR.)

MC 107012 (Sub-E415), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated*, (1) From points in MT, to points in AL, FL, GA, LA, MS, NC, SC, and TN (points in Greene County), (2) From points in MT, to points in KY and VA (*Burlington, IA). (3) From points in Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater Sweet Grass, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Bighorn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux and Yellowstone Counties, MT, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR) points, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA) points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX

(points in Greene County, AR). (4) From points in Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell and Sanders Counties, MT, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Priaire, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA), points in Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR). (Gateways eliminated: indicated by asterisk above.)

MC 107012 (Sub-E416), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated* (1) From points in NV, to points in AL, FL, GA, KY, MS, NC, SC, TN and VA (points in Greene County, AR). (2) From points in Clark, Lincoln, Esmeralda, Eureka, Lander and Nye Counties, NV, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR), points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (points in Greene County, AR); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA). (3) From points in Elko and Whitepine Counties, NV, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR), points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (points in Greene County, AR), points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA). (4) From points in Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Bienville, Bossier, Caddo, Claiborne, DeSota, Natchitoches, Reo River, Sabine and Webster Parishes, LA (points in Green County, AR); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood counties, TX (points in Greene County, AR). (Gateways eliminated: indicated by asterisks above.)

MC 107012 (Sub-E421), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated:* (1) From points in

Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne and Yates Counties, NY, to points in Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV; (2) From points in Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben and Wyoming Counties, NY, to points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Boone, Cabell, Lincoln Logan, Mingo, Putnam and Wayne Counties, WV; (3) From points in Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY, to points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall, Ohio, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (Gateways eliminated: Points of Cleveland, OH.)

MC 107012 (Sub-E422), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated:* (1) From points in NC, to points in AZ and TX (*Camden, AR). (2) From points in NC, to points in CA, CO, ID, KS, MT, NV, OK, OR, UT, WA and WY (points in Greene County, AR). (3) From points in NC, to points in NM (*Little Rock, AR). (4) From points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC, to points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA (points in Greene County, AR); Points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes LA (*Camden, AR); Points in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock and Watonwan Counties, MN (points in Greene County, AR); Points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie and Williams Counties, ND (points in Greene County, AR); Points in SD (points in Greene County, AR). (5) From points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington and Wilson Counties, NC, to points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA (points in Greene County, AR); Points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes LA (*Camden, AR); Points in Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union and Yankton Counties, SD (points in Greene County, AR); Points in Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN (*points in Greene County, AR). (6) From points in Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC, to points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Hunboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA (*points in Greene County, AR); Points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes LA (*Camden, AR); Points in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock and Watonwan Counties, MN (Points in Greene County, AR); Points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie and Williams Counties, ND (*Greene County, AR); Points in SD (Points in Greene County, AR). (7) From points in Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland and Wayne Counties, NC, to points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA (Points in Greene County, AR); Points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jack-

son, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes LA (*Camden, AR); Points in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock and Watonwan Counties, MN (Points in Greene County, AR); Points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie and Williams Counties, ND (Points in Greene County, AR); Points in SD (Points in Greene County, AR). (8) From points in Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake and Warren Counties, NC, to points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA (*Greene County, AR); Points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes LA (*Camden, AR); Points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, mercer, Morton, Oliver, Sioux, Slope, Stark, Divide, McKenzie and Williams Counties, ND (Points in Greene County, AR); Points in Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union and Yankton Counties, SD (Points in Greene County, AR). (Gateways eliminated: Indicated by asterisks above.)

MC 107012 (Sub-E123), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated,* (1) From points in ND, to points in AL, FL, GA, KY, NC, SC, TN, and VA (*Burlington, IA). (2) From points in ND, to points in LA and MS (points in Greene County, AR). (3) From points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope and Stark Counties, ND, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR (*Burlington, IA); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX (points in Greene County, AR). (4) From points in Barnes, Cass, Dickey, Kidder, LaMoure, Logan, McIntosh, Ranson, Richland, Sargent and Stutsman Counties, ND, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR (*Burlington, IA); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Lina, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (*Burlington, IA); points in Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwell, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR). (5) From points in Eddy, Foster, Grand Forks, Griggs, Nelson, Steele and Traill Counties, ND, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR (*Burlington, IA); Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (*Burlington, IA) points in Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victo-

ria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR). (6) From points in Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, and Wells Counties, ND, to points in AR (*Burlington, IA); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, and Zavala Counties, TX (*Burlington, IA); points in Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX (points in Greene County, AR). (7) From points in Bottineau, Burke, McHenry, McLean, Mountrail, Renville and Ward Counties, ND, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR (*Burlington, IA); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (*Burlington, IA); points in Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX (points in Greene County, AR). (8) From points in Divide, McKenzie and Williams Counties, ND, to points in AR (*Burlington IA); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Austin, Bastrop, Bell, Brazoria, Brazo, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR). (Gateways eliminated indicated by asterisk above.)

MC 107012 (Sub-E424), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same address as above). *New Furniture, Crated*, 1.) From points in OK, to points in GA, KY, NC, SC and VA (points in Greene County, AR).

2.) From points in OK, to points in AL and MS (points in Greene County, AR) or Camden, AR).

3.) From points in OK, to points in FL (*Camden, AR).

4.) From points in OK, to points in TN (*Little Rock, AR).

5.) From points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods and Woodward Counties, OK, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (*Camden, AR); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA).

6.) From points in Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner and Washington Counties, OK, to points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln,

Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (*Camden, AR); points in Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (*Fort Smith, AR).

7.) From points in Beaver, Cimarron and Texas Counties, OK, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in LA (*Camden, AR); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA) points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (*Fort Smith, AR 61A + 25A).

8). From points in Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, Ca (*Camden, AR); points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO (*Fort Smith, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS (*Fort Smith, AR); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (*Camden, AR); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA); points in MT (*Fort Smith, AR); points in ND (*Fort Smith, AR); points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson and Josephine Counties, OR (*Camden, AR); points in Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish and Whatcom Counties, WA (*Camden, AR); points in WY (*Fort Smith, AR).

9.) From points in Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (*Camden, AR).

MC 107012 (Sub-E425), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same address as above). *New Furniture, Crated,* (1) From points in OR, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN and VA (points in Greene County, AR).

(2) From points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, OR, to points in AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR).

(3) From points in Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Harney, Klamath, Lake and Malheur Counties, OR, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warrne, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribult, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR).

(4) From points in Coos, Curry, Douglas, Jackson and Josephine Counties, OR, to points in AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (points in Burlington); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR.)

(5) From points in Baker, Grant, Morrow, Umatilla, Union and Wallowa Counties, OR, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR). (Gateways eliminated indicated by asterisks above.)

MC 107012 (Sub-E426), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same address as above). *New Furniture, Crated,* (1) From points in PA, to points in AL, FL, and GA (*points in TN). (2) From points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango and Warren Counties, PA, to points in Suffolk County, NY (*Newton Falls, OH); points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN); points in SC (*points in TN).

(3) From points in Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga and Union Counties, PA, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC (*points in TN); points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, SC (*points in TN).

(4) From points in Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill and York Counties, PA, to points in Buncombe,

Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC (*points in TN); points in Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC (*points in TN).

(5) From points in Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne and Wyoming Counties, PA to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN); points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, SC (*points in TN).

(6) From points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA, to points in Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY (*Newton Falls, OH); points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC (*points in TN); points in Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, SC (*points in TN). (Gateways eliminated indicated by asterisks above.)

MC 107012 (Sub-E427), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same address as above). *New Household Furniture, Crated,* From points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango and Warren Counties, PA to points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (Gateways eliminated: points of Cleveland, OH.)

MC 107012 (Sub-E428), filed May 18, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same address as above). *New Furniture, Crated,* (1) From points in RI, to points in MS; (2) From points in RI, to points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL; points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield, GA; points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (Gateways eliminated: points in KY.)

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-376 Filed 1-3-79; 8:45 am]

[7035-01-M]

WESTERN TRUNK LINE COMMITTEE

Released Rates Carload Commodity Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. 1933.

SUMMARY: Western Trunk Line Committee wants to publish released carload commodity rates on *molybdenum concentrates.* The movements proposed are from Climax and Kremmling, Colorado to Ft. Madison, Iowa and Burgettstown, Pennsylvania. The net effect desired is to establish and maintain released carload commodity rates.

ADDRESSES: William J. Hardin, Tariff Publishing Officer, Western Trunk Line Committee, Agent, Room 300, 300 West Adams Street, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT:

Max Pieper, Unit Supervisor, Informal Rate Cases Branch, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7553.

SUPPLEMENTARY INFORMATION: The relief sought is from Part 10730 of subtitle IV of title 49, United States Code, "Transportation" formerly part 20(11) of the Interstate Commerce Act. It is for and on behalf of carriers parties to joint tariff WTL 433-F, ICC A-5058, and TCFB 6-F, ICC 1944, to the extent of their operating authority.

Nancy L. Wilson,
Acting Secretary.

[FR Doc. 79-369 Filed 1-3-79; 8:45 am]

[7035-01-M]

[No. 36437]

DEPARTMENT OF DEFENSE

Petition for Declaratory Order Establishing Effective Date of 3 Percent Increase

Decided: *December 21, 1978.*

This proceeding began with the filing of a petition for a declaratory order to resolve an uncertainty as to the effective date of a 3-percent general increase in the rates and charges governing interstate and foreign transportation of household goods. In a report dated October 5, 1977, the Commission, Division 2, found that the assessment of the 3-percent increase prior to the effective date of a valid tariff constituted an overcharge within the meaning of 49 U.S.C. 11705 (§ 204(a)6 of the Interstate Commerce Act (I.C.A.)), and violated 49 U.S.C. 10761 (§ 217 I.C.A.). Subsequently, the Household Goods Carriers' Bureau, Inc. (HGCB), sought administrative review of the October 5, 1977, report, and the Administrator of General Services Administration (GSA) sought intervention and certain specific relief.

On April 26, 1978, the Commission, Division 1, entered a decision denying the HGCB request for review and essentially granting the relief sought by GSA. The decision required each motor carrier member of the HGCB to (1) identify each shipper who paid charges pursuant to a "conversion chart" applied in lieu of certain sus-

pended tariff supplements, (2) notify each shipper of the difference between the amount paid and the charges computed on the basis of tariffs in effect on May 14, 1976, and (3) provide each shipper with instructions and forms for filing claims. Carriers were to comply with the requirements within 90 days from publication of the decision in the FEDERAL REGISTER. By a petition filed June 5, 1978, the HGCB appeals the decision. GSA, the Department of Defense (DOD), Reynolds Metals Company (Reynolds), and the National Industrial Traffic League (NITL) have replied to the appeal.

The HGCB contends that the Commission lacks the power to promulgate an order which in effect requires carriers to make refunds for claimed overcharges. It maintains that the requirement of "affirmative action" of notifying shippers contravenes the limits on Commission authority respecting motor carrier overcharges, and that shippers must always discover and submit claims without aid. If the Commission's advisory decision on the effective date of the increase is ultimately found in error, the HGCB argues, carriers would have been put to much trouble and expense.

In response, GSA states that without the notification requirement carriers would be unjustly enriched since affected shippers might never realize that they were overcharged. DOD points out that only the members of the bureau know the identities of and how much was paid by shipper customers. Reynolds avers that the Commission clearly did not order the refunding of overcharges, and urges that there is no requirement that shippers discover claims. NITL asserts that the assailed decision was a proper ancillary to clear statutory authority, particularly where many of the shippers are unsophisticated in the intricacies of tariffs and transportation regulation.

We affirm the finding by Division 1 that the mandate and responsibilities imposed by the national transportation policy and 49 U.S.C. 10321 (§ 204(a)(6) I.C.A.), 49 U.S.C. 11706 (§ 204a (2) I.C.A.), and 49 U.S.C. 10761 (§ 217 (b) I.C.A.) authorize the Commission to direct motor carriers to identify and notify shippers whom we have found were subjected to overcharges. Recently we determined that our jurisdiction and authority extend to the prescription of regulations for the expeditious processing of overcharges, duplicate payments, and overcharge claims. *Overcharge, Dup. Payment, or overcollection Claims,* 358 I.C.C. 114(1978).

Our notice requirement does not have the intention or effect of forcing carrier refunds; it simply aids shippers in the discovery of claims. Notwithstanding our lack of statutory authority to settle or adjudicate overcharge claims, we clearly have authority to prescribe, by order and by rule, procedures for their expeditious handling. See *Overcharge,* 358 I.C.C. at 117, and 49 U.S.C. 10321 (§ 204 (a)(6) I.C.A.) of the Act.

Moreover, an important facet of this proceeding renders the notification requirements particularly appropriate: the proposed recipients of notice were shippers of household goods. The Commission has long recognized that individuals who use the services of household goods carriers are in a much more vulnerable position than commercial shippers. While shippers of other freight often use the services of motor common carriers on a daily basis, a householder typically moves relatively infrequently. As a result, the householder has little opportunity to develop an adequate knowledge of respective rights and duties, and misunderstandings between householder and carrier commonly occur. Further, the entire transaction may be charged with emotion owing to any unexpected increases in costs, personal inconvenience resulting from changes in shipping dates, and possible damage to or loss of a family's most prized possessions. *Practices of Motor Common Carriers of Household Goods,* 111 M.C.C. 427, 430 (1970). For these reasons the Commission has adopted special regulations governing the interstate transportation of household goods, regulations designed in major part to protect the household goods shipper. 49 CFR Part 1056 (1977).

The notification requirements imposed in the April 26, 1978, decision were intended to aid unsophisticated household goods shippers, not to force payment from the carrier, but to permit the discovery of claims. We are concerned about the interests of individuals who must move at their own expense and in reliance on their own resources, and we believe that the notification requirements are a reasonable accomodation to that concern.

It is ordered:

The petition for administrative review is denied.

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

NANCY L. WILSON,
Acting Secretary.

COMMISSIONER STAFFORD, dissenting in part:

I agree with the majority that the Commission has the authority to establish procedures governing the expeditious handling of overcharge claims. However, in this case I would at least wait for the result of the Court action before requiring the carriers to undertake the notification action.

[FR Doc. 79-370 Filed 1-3-79; 8:45 am]

[7035-01-M]

[Exception No. 10 under section (a), paragraph (1), part (v) Second Revised Service Order No. 1332]

SOUTHERN PACIFIC TRANSPORTATION CO.

Decided December 22, 1978.

To: Southern Pacific Transportation Company: Because of a major derailment at Ocala, Nevada, caused by a collision between a freight train and a motor truck through train operations over the line of the Southern Pacific Transportation Company (SP), between Sparks, Nevada, and Ogden, Utah, were necessarily suspended for twenty-four (24) hours. As a result of this disruption of its services and the consequent accumulation of traffic awaiting passage over this line the SP is temporarily unable to forward all cars within sixty (60) hours as required by Section (a)(4)(i) of Second Revised Service Order No. 1332.

It is ordered, Pursuant to the authority vested in the Railroad Service Board by Section (a)(1)(v) of Second Revised Service Order No. 1332, the SP is required to forward loaded cars or empty foreign or private cars from the points in the territory named below within seventy-two (72) hours.

Sparks, Nevada, and Ogden, Utah, inclusive

Effective December 22, 1978.
Expires 11:59 p.m., December 31, 1978.

ROBERT S. TURKINGTON,
Acting Chairman,
Railroad Service Board.[1]

[FR Doc. 79-371 Filed 1-3-79; 8:45 am]

[7035-01-M]

[Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in ex Parte No. 241; Thirteenth Revised Exemption No. 128]

CAR SERVICE RULES

To: the Atchison, Topeka and Santa Fe Railroad Company,
*Boston and Maine Corporation,
Chicago, Milwaukee, St. Paul and Pacific Railroad Company,
Chicago, Rock Island and Pacific Railroad Company,
Consolidated Rail Corporation,
*Delaware and Hudson Railway Company,
Illinois Central Gulf Railroad Company,
Louisville and Nashville Railroad Company,

[1] Members Joel E. Burns, Robert S. Turkington and John R. Michael.

Missouri-Illinois Railroad Company,
Missouri Pacific Railroad Company, and
Seaboard Coast Line Railroad Company.

It appearing, That the railroads have mutually agreed to the use of each other's empty plain cars having mechanical designations "XM", "XMI", "XMIH", "FM"-less than 200,000 lbs., "GA", "GB", "GD", "GH", and "GS" and bearing reporting marks assigned to such carriers.

It further appearing, That these railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other roads as system cars, with the Car Service Division of the AAR acting as agent.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Register, I.C.C.-R.E.R. No. 409, issued by W.J. Trezise, or successive issues thereof, as having mechanical designations "XM", "XMI", "XMIH", "FM"-less than 200,000 lbs., "GA", "GB", "GD", "GH", and "GS" and bearing the following reporting marks are exempt from the provisions of Car Service Rules 1 and 2, while on the lines of any of the railroads named below. *Any clearinghouse ownership car bearing one of the applicable mechanical designations may be loaded out via a non-clearinghouse railroad if the car is placed empty by a clearinghouse road at a point open to reciprocal switching.

The Atchison, Topeka and Sante Fe Railroad Company—Reporting Marks: ATSF Effective August 22, 1976.

*Boston and Maine Corporation—Reporting Marks: BM Effective January 1, 1979.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Reporting Marks: MILW Effective July 15, 1976.

Chicago, Rock Island and Pacific Railroad Company—Reporting Marks: RI-ROCK Effective September 12, 1976.

Consolidated Rail Corporation—Reporting Marks: BCK-CNJ-CR-DL&W-EL-ERIE-LV-NH-NYC-PAE-PC-PRR-RDG-TOC Effective November 6, 1977.

*Delaware and Hudson Railway Company—Reporting Marks: DH Effective January 1, 1979.

Illinois Central Gulf Railroad Company—Reporting Marks: ICG-GM&O-IC Effective August 22, 1976.

Louisville and Nashville Railroad Company—Reporting Marks: L&N-CIL-MON-NC Effective August 15, 1976.

Missouri-Illinois Railroad Company—Reporting Marks: MI Effective July 15, 1976.

Missouri Pacific Railway Company—Reporting Marks: MP-C&EI-KO&G-T&P Effective July 15, 1976.

Seaboard Coast Line Railroad Company—Reporting Marks: SCL-ACL-C&WC-SAL Effective August 15, 1976.

It is further ordered, That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the Project participants, and to advise the undersigned.

Effective 12:01 a.m., January 1, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., December 20, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-375 Filed 1-3-79; 8:45 am]

* Addition.

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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	Items
Civil Aeronautics Board	1
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[6320-01-M]

1

[M-187; Dec. 28, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., January 4, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 33348—Disclosure by foreign air carriers of denied boarding compensation rules (OGC).

3. Docket 29044—Part 252 of the Board's Economic Regulations—(1) Final rule on seating segregation; (2) Proposed rules on further amendments (memo 7323-E, OGC).

4. Report of the Senate Special Committee on Aging; request for summary of Board action in 1978 and planned actions in 1979 (OGC).

5. Docket 29058—*Norfolk-Atlanta Subpart M Proceeding (memo 8076-A, OGC).*

6. Docket 28778—*Additional Dallas/Fort Worth-Kansas City Nonstop Service Case*—draft tentative decision (memo 7778-B, OGC).

7. Dockets 32126, 32216, 32760, 30614, 31927, 32200, and 31278, *Twin Cities-Kansas City-Oklahoma-Texas Route Proceeding* (OGC).

8. Docket 31727, Reeve's motion for show-cause or other expedited procedures on its application for amendment of its certificate to add a new segment between Seattle, Wash., on the one hand, and Cold Bay, Alaska, on the other (memo 8395, BPDA).

9. Docket 32755; Application of Pacific Southwest Airlines for a certificate to perform supplemental air transporation west of the Mississippi River (memo 8384, BPDA).

10. Docket 33552—Exemption application filed by Frontier and the Shreveport Parties for nonstop Shreveport-Oklahoma City authority for 5 years (memo 8397, BPDA).

11. Dockets 33223, 33462, 33548, and 33948—Federal Express petition for an order to show cause on its certificate application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh/St. Louis nonstop authority; Wright's petition for an order to show cause on its certificate amendment application for Midway-Cleveland/Detroit nonstop authority; Frontier's and Ozark's application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh/St. Louis nonstop authority and their motions to consolidate with Federal Express' application; American's answer requesting some of the same authority (BPDA).

12. Docket 32319—Finalization of Show-Cause Order 78-10-93, tentatively adding a new segment consisting of the terminal point Tampa/St. Petersburg/Clearwater, Florida and the coterminal points Greensboro/High Point, North Carolina, Charlotte, North Carolina, and Columbia, South Carolina to Piedmont's system (memo 8223-A, BPDA).

13. Docket 32662; Show-Cause proceeding (Order 78-9-190) tentatively granting Eastern authority to provide nonstop service between Atlanta, Georgia, and Columbus, Ohio (memo 8147-A, BPDA).

14. Dockets 32315, 32722, 32728, 32734, 32938 and 33540—Subpart M Application of Texas International for Dallas/Ft. Worth-New Orleans Nonstop Authority and New Orleans-Albuquerque One-Stop Authority, and Applications and Motions to Consolidate of Frontier, American, Southwest, Continental, and Northwest (memo 7915-A, BPDA).

15. Dockets 33359 and 33695, Midland/Odessa/Amarillo/ Lubbock-Los Angeles Subpart M Proceeding (memo 8188-A, BPDA).

16. Dockets 33048, 33235, 33614 and 34075—Trans World's motion for hearing on its certificate application for Colorado Springs-Chicago Nonstop Authority; American's Northwest's and Ozark's applications, respectively, requesting similar authority between Colorado Springs-Chicago/St. Louis/ Dallas/Ft. Worth/Denver and Motions to Consolidate (memo 8398, BPDA).

17. Docket 34065; Continental's notice of intent to suspend its single-plane service between Wichita, on the one hand, and Tampa and Miami, on the other hand, in 60 days (BPDA).

18. Publication of list of eligible points as defined by the Airline Deregulation Act of 1978 (BPDA).

19. Docket 33712, Tiger International-Seaboard Acquisition Case (enforcement issues, BCP).

20. Release of information obtained during Part 305 nonpublic investigations (BCP, OGC memo 8382).

21. Docket 31333; agreement among the members of the Air Traffic Conference of America (ATC) relating to a Personal Guarantee of Performance of Air Traffic Conference Sales Agency Agreement (BPDA).

22. Air carrier rules pertaining to transportation of pregnant women (memo 8387, BPDA).

23. Docket 30332—Motion of our animal wards to file an unauthorized document (memo 7344-D, BPDA).

24. Dockets 23080-2 and 26487, amendment of certificates of all charter air carriers to include the authority to transport mail and establishment of temporary and/or final mail rates for certificate air carriers and air taxi operators who perform charter air services, all-cargo air services, air services over routes previously unused, and air services provided under the automatic market entry program (memo 4395-I, BPDA).

25. Docket 32484, Statement of Provisional Findings and Conclusions regarding the subsidy levels to be established effective July 1, 1978, under new class rate (class rate IX) and Order to Show Cause why temporary rates based on the "Statement" should not be set pending finalization of Class Rate IX (memo 7916-D, BPDA, OC, OGC).

26. Docket 24353, motion of Eastern Air Lines to modify the final order in the Mainland U.S.-Puerto Rico/Virgin Islands Fares case to broaden the application of night coach fares for travelers between the U.S. West Coast and San Juan (memo 4511-J, BPDA).

27. Dockets 34022, 34207 and 32439, exemption requests of PSA, Air California and Air Florida (memo 8396, BPDA).

28. Docket 33340, tariff limits for filing overcharge claims of certain carriers. Northwest Traffic Associates, a traffic consultant, complains that 180-day time limits for filing overcharge claims is too short (memo 8392, BPDA).

29. Docket 33406, petition for advisory opinion requested by Traffic Consultants and Matsushita Electric on legal status of claim for recovery of duplicate payments now pending in court (memo 8379, EPDA, OGC).

30. Part 288—Rulemaking proposed by BPDA and OGC to amend Part 288 and Related Provisions of the Economic Regulations to Eliminate the Establishment of Minimum Rates for all Charter and Scheduled Service Performed by Air Carriers Pursuant to Contracts with the Department of Defense (BPDA, OGC).

31. Docket 33937, specific commodity rates on military documents from Washington, D.C., to Middle East points proposed by DHL. Calico complains that proposed level is unlawful (BPDA).

32. Docket 33829, British Airways revision to its contract cargo rates tariff providing rate reductions to shippers exceeding the specified annual minimum rate requirement (BPDA).

33. Docket 30332, IATA agreements proposing new South Pacific and TC3 cargo rate structures (memo 8389, (BPDA).

34. Release of investigation materials in enforcement cases (memo 8383, BCP, OGC).

35. Docket 33083, Air Florida petition for reconsideration of Order 78-10-49, to relax long-haul restriction on its flights serving Miami/Fort Lauderdale-Nassau (BIA, OGC).

36. Docket 33012, application of Thomson Travel, Ltd., for indirect foreign air carrier permit (memo 8376, BIA).

37. Docket 33895, application of Fast Air Carrier Ltda. for exemption to perform 16 nonscheduled cargo flights between Chile and Miami pending final action on its 402 permit application (BIA).

38. Dockets 32333 and 33100, application of American Airlines, Inc., to amend its certificate for Route 134 to add Manzanillo and Zihuatanejo, Mexico, and to amend condition (5) to reflect the added routes; application of American Airlines, Inc., to amend its certificate for Route 134 only to amend Condition 5 of that route (memo 8381, BIA, OGC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-1-79 Filed 1-2-79; 11:19 am]

[6770-01-M]

2

[F.C.S.C. Meeting Notice No. 28-77]

FOREIGN CLAIMS SETTLEMENT COMMISSION.

ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings for the transaction of Commission business and other matters specified, as follows:

Date, time, and subject matter

Wednesday, January 3, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Wednesday, January 10, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Wednesday, January 17, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Wednesday, January 24, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Wednesday, January 31, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Telephone: 202-653-6156.

Dated at Washington, D.C., on December 19, 1978.

FRANCIS T. MASTERSON,
Executive Director.

[S-4-79 Filed 1-2-79; 3:40 pm]

[7035-01-M]

3

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, January 9, 1979.

PLACE: Hearing Room C, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open special conference.

MATTER TO BE CONSIDERED: Amtrak—Adequacy Regulations and Other Policy Considerations.

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone: 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conslusion of the meeting.

JANUARY 2, 1979.

[S-5-79 Filed 1-2-79; 3:48 pm]

[4910-58-M]

4

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, January 11, 1979 [NM-79-1].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Incident Report*—E.S.M. Group, Inc., Cessna Citation, N51MW, North Central Airlines, Inc., DC-9-30, N957N, LaGuardia Airport, Flushing, N.Y., June 21, 1978.

2. *Marine Accident Report*—USS *L. Y. Spear* collision with Liberian Motor Tankship *Zephyros*, Lower Mississippi River, February 22, 1978.

3. *Letter* to Federal Aviation Administration re recommendation A-75-28, overboard leakage of fluids subject to freezing.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-3-79 Filed 1-2-79; 2:49 pm]

[7090-01-M]

5

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: January 3, 1979.

PLACE: Chairman's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED: Wednesday, January 3, 9:30 a.m.

1. Discussion of personnel matter (approximately 1½ hours, closed—exemption 6).

2. Briefing on fiscal year 1979 operating plans—Decision Unit Tracking (continued from Dec. 14, 1978, approximately 1 hour), (public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

DECEMBER 29, 1978.

[S-2-79 Filed 1-2-79; 2:38 pm]

federal register

THURSDAY, JANUARY 4, 1979
PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

PROPOSED "CONTROLLED VISUAL AND FLIGHT" RULES

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 71, 91, 105]

[Docket No. 18605; Notice No. 78-19]

"CONTROLLED VISUAL FLIGHT" RULES

Proposed Rulemaking

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The FAA announces an extensive program designed to provide increased air traffic control (ATC) separation protection for air carrier, commuter airlines, and general aviation passengers. This program would include lowering the "floor" of the continental positive control area (PCA) from 18,000 feet to 10,000 feet east of the Mississippi River and over a portion of the State of California, and 12,500 feet west of the Mississippi River and over the remaining portion of California. This would require VFR pilots operating between this lowered "floor" and 18,000 feet to file flight plans, comply with ATC instructions, and have the equipment now required for operation in a Group I TCA, including transponder. When fully implemented, the controlled visual flight program would make ATC separation protection available to approximately 97% of scheduled air carrier passengers, and over 62% of commuter airline passenger enplanements in the terminal airspace environment. The same protection would also benefit general aviation passengers in this environment. Later actions will include proposals to raise the "ceilings" of 21 existing TCAs to the lowered PCA "floor" and establish 44 new Group II TCAs. The current Group III TCA concept would be deleted as unnecessary. Nonregulatory terminal radar service areas (TRSAs) would also be established, on a high priority basis, at 80 additional airports. Parachuting in the lowered PCA, and in the underlying terminal control areas (TCAs) would require ATC authorization. The present exclusion for gliders would be continued, but notification of ATC would be required. The goal is the greatest possible increase in safety at the lowest achievable cost to all airspace users and, particularly, the highest feasible level of safety for passengers in public air transportation.

DATES: Comments must be received on or before: March 5, 1979.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 18605, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

William E. Broadwater, Airspace and Air Traffic Rules Division (AAT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number, and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. Communications should be received on or before March 5, 1979 to assure proper consideration. All comments submitted will be available in the Rules Docket, both before and after the closing date for comment, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

AVAILABILITY OF NPRMS

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

THE "HIGHEST DEGREE" OF AIR TRANSPORTATION SAFETY

The Air Traffic Control (ATC) system, through the evolution of equipment and the high levels of skill of pilots, controllers, and others, has evolved into a system in which the probability of a collision is extremely remote. For example, in 1978 there were approximately 95 million operations recorded by FAA facilities in the continental United States, including approximately 70 million terminal operations and 25 million enroute operations. Approximately 2 near midair collisions (NMACs) were reported per million operations in TCAs, 4 NMACs were reported per million operations in TRSAs, and less than 1 NMAC was reported for each million operations reported in enroute airspace. The present high level of public confidence in this system is well justified. It is a system that can properly be taken for granted by the travelling public. However, while the likelihood of a collision is diminishing, the importance of continued examination of the ATC system remains, for these statistics can not measure the social costs of an accident. With this in mind, the FAA is embarked upon a major new initiative to improve still further the collision avoidance protection of the existing ATC system while developing new system capabilities through extensive research and development involving ground based and airborne equipment. Like other systems, the ATC system can be improved. This requires the constant support of all users of the system to assure an accurate assessment of the critical elements essential to the safe and efficient flow of air traffic. This is particularly true where the safety of passengers carried by air carriers is concerned.

The congressional mandate is clear with respect to the high levels of safety intended for passengers in air transportation. Section 601 of the Federal Aviation Act of 1958 requires that the FAA give full consideration to the duty resting on air carriers to perform their services with the "highest possible degree of safety in the public interest * * *" This Congressional concern for air transportation, as a distinct class to be protected, was most recently restated in the Airline Deregulation Act of 1978 (Pub. L. 95-504, October 24, 1978) which amended section 102 of the Federal Aviation Act of 1958 to emphasize the "dedication of the Congress to the furtherance of the highest degree of safety in air transportation and air commerce, and the maintenance of the safety vigilance that has evolved within air transportation and air commerce and has come to be expected by the traveling and shipping public" (49 U.S.C. 1302(a)). The Airline Deregulation Act of 1978 also directs the Secretary of Transportation ("Secretary"), by July 1, 1979, to complete a thorough review of the safety regulations applicable to air carriers in order to ensure that "all classes of air carriers are providing the highest possible level of safe, reliable air transportation to all the communities served by those air carriers." The Administrator is directed to respond to the Secretary's review by promulgating regulations that may be needed to "maintain the highest standard of safe, reliable air transportation in the United States." The "high standard of safety in air transportation" is also stressed in relation to annual reports to be submitted to the Congress by the Secretary beginning not later than January

31, 1980 (New section 107 of the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978). The orderly and extensive expansion of positive controlled airspace, beginning with the proposals in this notice, would assure that the system-wide capability of the FAA to assure separation protection for air carrier passengers remains consistent with the encouragement and growth of a vigorous, safe and efficient air transportation system, as comtemplated by the new Act.

The support of all airspace users is critical to the success of the controlled visual flight program. In view of the widespread use of ATC services by pilots even when not required (see analysis of pilot participation in TRSAs, below), the FAA believes that the CVF concept can be highly effective.

Background: Enroute Airspace

While the existing ATC system has been extraordinarily successful in moving large volumes of aircraft safely a small risk of collision remains. For enroute operations, this risk has been identified in the airspace between 10,000 and 18,000 feet where uncontrolled VFR aircraft "mix" with air carriers and other ATC controlled aircraft. For altitudes above 18,000 feet, where positive controlled airspace has already been implemented, the incidence of NMACs has all but disappeared, with approximately 10 per year being reported throughout the entire upper airspace structure.

Altitudes Below 18,000 Feet

Between January, 1976, and September, 1978, for operations below 18,000 feet within the 48 contiguous States, 1,006 near midair collisions (NMACs) were reported to FAA. (Unless otherwise stated, all references to altitudes in this Notice are to Mean Sea Level (MSL)). Of these reports, 95% (948) involved an aircraft operating under visual flight rules, and 26% (257) involved an air carrier aircraft. Eighty-three percent of the incidents (212) involving an air carrier aircraft also involved a VFR aircraft. Between the altitudes of 17,900 and 13,000 feet, 35 NMACs were reported, of which 91% (32) invloved VFR aircraft and 46% (16) involved air carrier flights. Ninety-three percent (15) of the incidents involving air carriers involved a VFR aircraft.

12,900 to 10,000 Feet

For altitudes between 12,900 feet and 10,000 feet, 79 NMACs were reported, of which 91% (72) involved VFR aircraft and 57% (45) involved air carrier flights. Of the incidents involving air carriers, 87% (39) involved VFR aircraft.

With respect to the NMACs in which an air carrier aircraft encountered a VFR aircraft, 62% (24) occurred in enroute airspace, while 38% (15) occurred within a 30-mile radius of an airport at which at least one of the two aircraft involved had departed or was arriving prior to landing.

Below 10,000 Feet

For altitudes at and below 9,900 feet, 892 NMACs were reported, of which 94% (844) involved VFR aircraft, while 22% (196) involved air carrier aircraft. Of the incidents involving air carrier aircraft, 86% (168) involved VFR aircraft. Thirty-nine of the incidents (23%) involving an air carrier aircraft and a VFR aircraft occurred in the enroute environment, while 129 (77%) occurred within 30 miles of an airport at which at least one of the aircraft was either departing or arriving for the purpose of landing.

Near midair collision data has also been recorded in the airspace for which the FAA is proposing to establish either a terminal control area (TCA) or terminal radar service area (TRSA). In this airspace, 327 NMACs were reported between January 1, 1976 and September, 1978. Of these incidents, 94% (306) involved a VFR aircraft and 32% (106) involved an air carrier aircraft. Of these air carrier incidents, 87% (92) involved an encounter with a VFR aircraft.

Regulatory Conclusion

The FAA views this kind of information not as an absolute indicator of numbers of incidents, but rather, as a means of understanding the potential for a catastrophic event and the factors that may be controllable in reducing that potential. In this context, the above near midair collision data point to two conclusions: (1) A small but clear potential for midair collision exists, for certain enroute and terminal airspace; and (2) a recurring factor in this potential is the presence, in that airspace, of VFR aircraft that are not under full ATC control. This factor can be almost completely eliminated, within that airspace, by regulation.

FAA believes that this near midair collision data supports the extension of positive controlled airspace into the region between the current ceilings of the TCAs (prescribed at various altitudes between 7,000 feet and 12,500 feet) and the floor of the continental positive control area (generally at 18,000 feet). The absence of positive control in this layer of airspace deprives arriving and departing IFR aircraft in this airspace of the full benefits of air traffic control while they are transitioning between terminal and enroute operations. This means that during descent or climb-out, IFR aircraft in some cases pass through a band of airspace in which VFR aircraft are not separated from IFR aircraft by ATC, even though that service is provided before entering that airspace and immediately upon leaving it. Implementation of CVF appears to offer one possible solution which would eliminate the "mix" of uncontrolled VFR aircraft and controlled IFR aircraft, while avoiding the more restrictive approach of requiring all aircraft to be under IFR, as is now the case for operations in the positive control area above 18,000 feet.

This notice initiates the CVF program by concentrating on the enroute environment. Since the concepts in this notice have matured to the point that detailed regulatory language can be offered for public comment, this document is issued as a notice of proposed rule making, rather than as an Advance Notice of Proposed Rule Making (ANPRM) as has been previously discussed with the public. This procedure will accelerate the development of necessary rules in the high speed, enroute environment.

The near midair collision data described above, for the enroute environment, indicates that the FAA should act as soon as possible to assure full separation to aircraft at and above 12,500 feet, and, in the two heaviest air traffic areas, at and above 10,000 feet.

As part of this process, the FAA has identified two areas in which the full protection of air carrier passengers and other airspace users requires ATC separation of all aircraft at and above 10,000 feet (rather than at and above 12,500 feet only) because of the sustained heavy traffic in these two area.

The "Western Step"

One of these areas, referred to as the "Western Step," encompasses approximately one-third of the State of California. It takes in airspace from approximately 80 miles north of San Francisco to the Mexican border, and extends from the coast eastward to the west slope of the Sierras, where the terrain rises sharply. It constitutes a topographically well defined corridor encompassing all the major city-pairs in California. The airspace in the Western Step generates one of the highest NMAC counts in the United States.

The "Eastern Step"

The other area for which a 10,000-foot PCA floor is proposed encompasses all of the airspace east of the Mississippi River. State-by-State analysis of NMAC data for the 10,000-12,500-foot strata indicates that NMACs are considerably more likely in this airspace than in the airspace west of the Mississippi River. From

the Florida panhandle to slightly west of Chicago, the implementation of the CVF concept could have a significant beneficial effect. The Mississippi River itself is a clearly discernible landmark for VFR pilots.

PUBLIC COMMENT INVITED

In discussion below concerning the impact of the 10,000-foot PCA floor on VFR operations, public comment is requested concerning the precise effects of the Eastern and Western Steps on aircraft usage. If analysis of these comments indicates that the desired improvement of the ATC system can be accomplished with less airspace in the 10,000-foot areas, the Eastern Step or Western Step may be adopted in smaller form. However, if adopted as proposed, the lowered floor of the continental positive control area would be structured as shown in Figure 1 (the precise description of the proposed boundaries of this airspace is furnished in the amendatory language below).

[4910-13-C]

Proposed Continental Positive Control Area

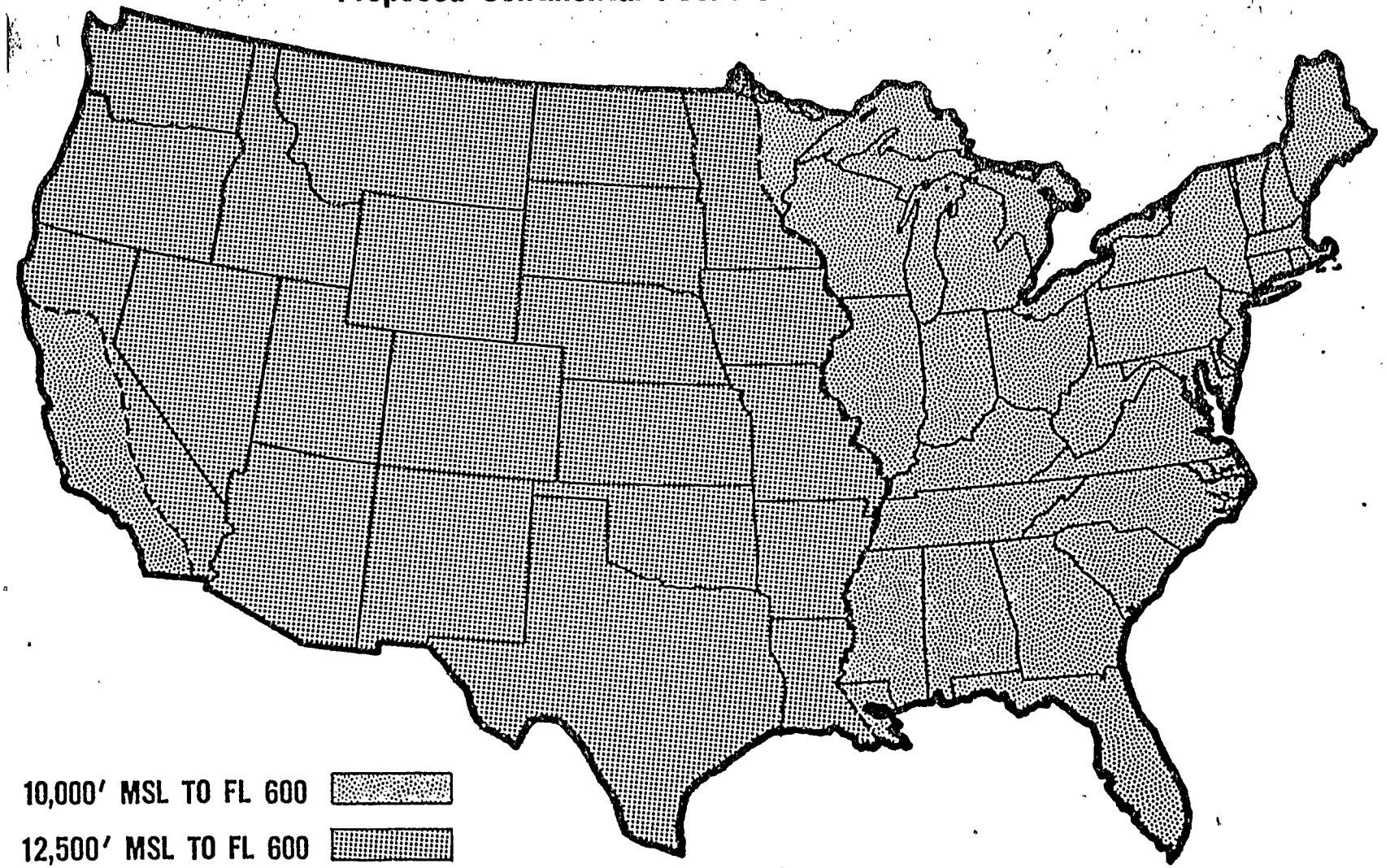

FIGURE 1

TERMINAL AIRSPACE

Concurrent with the issuance of this notice concerning enroute airspace, the FAA is developing additional proposals to reduce the probability of hazardous traffic conflicts involving the mix of controlled and uncontrolled aircraft in the terminal environment. These supplementary proposals will build on the controlled visual flight concepts proposed herein, and would raise the ceilings of the existing terminal control areas to 12,500 feet (and, in the two heavy air traffic areas mentioned above, 10,000 feet).

This would be a logical extension of many years of pilot participation in terminal radar separation programs. In 1962, such a program was initiated at Atlanta to solve communications workload problems and assist in aircraft sequencing. This was followed by a similar program at Merced Air Force Base, California, in 1965. This service was gradually extended until 1970, when the National Terminal Radar Program initiated a major expansion of ATC separation service following the 1968 Near Midair Collision Report (discussed below). Beginning with the TRSA at Nashville, a total of 86 TRSAs covering 105 airports were established under that program, the last being the Peoria TRSA in 1978. The 1970 National Radar Program also initiated the TCA concept involving mandatory ATC control of VFR (and IFR) aircraft. Beginning with the Atlanta TCA in 1970 and ending with the Kansas City TCA in 1975, 21 TCAs covering 23 airports have been implemented by regulation. In addition, the ceiling of the Atlanta TCA was raised to 12,500 feet in 1975 to provide additional protection for arriving and departing aircraft.

The controlled visual flight program carries this history forward by expanding the terminal airspace protected by ATC separation. New Group II Terminal Control Area proposals are being developed for the following 44 airports:

Albany, N.Y.	Dayton
Albuquerque	Des Moines
Anchorage	Dulles
Baltimore	El Paso
Birmingham	Fort Lauderdale
Buffalo	Hartford-Windsor Locks
Charlotte	Honolulu
Cincinnati	Indianapolis
Columbus, Ohio	Jacksonville
Kahului	Lihue
Louisville	Memphis
Milwaukee	Nashville
Norfolk	Oklahoma City
Omaha	Orlando
Phoenix	Portland, Oregon
Raleigh-Durham	Reno
Rochester, N.Y.	Sacramento
Salt Lake City	San Antonio
San Diego	San Juan
Spokane	Syracuse
Tampa	Tucson
Tulsa	West Palm Beach

GROUP III TCAs NOT NEEDED

Because of the expanded use of Group II TCAs and TRSAs, it is believed that the Group III TCAs as a class would not be needed. While there are no Group III TCAs in existence, the current rules provide for their issuance if they are needed. A proposal to delete all references to Group III TCAs was circulated in 1976 (see Notice 76-20, 41 FR 46875, October 26, 1976). However, to obtain a more current and detailed public response on this question as a part of the extensive increase in the number of Group II Terminal Control Areas, the matter of deleting all references to "Group III" TCAs is proposed again in this notice. The reason for the proposed elimination of the Group III TCA concept is that, as originally issued in 1970, the Group III TCA rules permit aircraft to either be in two-way radio communication with ATC or be equipped with a transponder and altitude encoder. This would authorize properly equipped aircraft to transit the TCA without communication with ATC. In view of the increase in aircraft operations to date in terminal airspace, and those expected in the future, the FAA believes that adequate ATC control of the "mix" of controlled and uncontrolled aircraft requires, as a minimum, that each aircraft in the TCA receive and comply with ATC instructions. This capability would be assured in the 44 new Group II TCAs that are proposed. If those new TCAs are established, it appears that additional TCAs in which a pilot may elect not to communicate, if altitude reporting equipment is used, (e.g. the Group III concept), would serve no useful purpose.

THE TERMINAL AIRSPACE COLLISION POTENTIAL

In addition to the experience in enroute airspace, the FAA experience since the establishment of mandatory TCAs and voluntary Terminal Radar Service Areas (TRSAs) indicates that, in terminal airspace as well, the absence of ATC control of VFR aircraft interferes with the ability of the ATC system to assure separation for all airspace users. A comparison of periods before and after the establishment of terminal control areas and terminal radar service areas is instructive. In 1968, the FAA conducted an extensive study of the near midair collision hazard in U.S. airspace. The results of this study were published in the "Near Midair Collision Report of 1968," July, 1968. A major portion of the report was devoted to the collision potential in terminal airspace. For the year 1968 (which preceded the establishment of terminal control areas), the report concluded that, for the airports now served by terminal control areas, there were 271 incidents reported as "hazardous" to flight. In response to that study, since 1970, 21 terminal control areas were established. For the fiscal years 1975, 1976, and 1977, there were a total of 64 reported near midair collisions in these terminal control areas. For comparison purposes, this translates into an average of approximately 20 reported incidents per year, under the TCA requirements, in contrast with 271 incidents for the year 1968. Here again, it should be noted that these figures are not conclusive indicators of the absolute numbers of incidents, but are viewed as pointing toward the critical relationship between the absence of positive control of all aircraft and the likelihood of hazardous traffic conflicts in terminal airspace.

REGULATORY CONCLUSION

Where the mass transport of passengers by air carriers is involved, and considered in relation to the "highest possible" safety level intended for air carriers, the FAA believes that the presence of controlled and uncontrolled aircraft, in the same airspace, must be limited by regulation at the 44 additional airport locations referred to above, and in the airspace between the ceilings of existing TCAs and the lowered floor of the continental positive control area. The detailed, localized impacts and scope of each new TCA, and of the raising of the current TCA ceilings, will be addressed in later rule-making actions involving each location. However, based on the experience concerning the existing TCAs, the FAA concludes that extension of positive control to the additional locations would provide an effective means of further reducing the risk of midair collision.

SUMMARY OF SAFETY BENEFITS

For several years the FAA has been considering means of extending ATC

services to VFR pilots without unduly limiting VFR operation. During this period, the factors involved in near midair collisions have received intensive review. The conclusions of this review all point in one direction: an orderly, equitable, and extensive expansion of positive controlled airspace is necessary to achieve a significant reduction of the midair collision potential in the enroute and terminal environments and to assure that ATC services grow with the projected growth of air commerce. Implementation of CVF as proposed in this notice would significantly expand the benefits of the collision avoidance capability that already exists in ground based and airborne equipment, and would provide a much broader basis for incorporating improved collision avoidance equipment at a later date.

AIR CARRIER PASSENGER BENEFITS

Scheduled air carrier passenger enplanements reached the 280 million mark in 1978. The establishment of Terminal Control Areas at the 44 additional airports listed above would raise, to 87%, the percentage of all enplaned scheduled air carrier passengers, in the United States, that receive the full benefits of mandatory positive control in terminal airspace. This is in contrast with the current figure, for the 21 existing TCAs, which is 62%. The FAA also plans to supplement this action with the establishment of 80 new terminal radar service areas (TRSAs). A TRSA is a designated area, around an airport, in which participating VFR aircraft are, if they request, provided separation from IFR aircraft and other participating VFR aircraft. Some of the existing TRSAs would be converted to TCAs. At the conclusion of this expansion of TCA and TRSA airspace, the total percentage of enplaned air carrier passengers receiving either mandatory (TCA) or voluntary (TRSA) separation protection will be approximately 97% as compared with 98% (which includes 62% in TCAs and 27% in TRSAs) in the current ATC system.

These figures mark a major shift in emphasis toward TCAs (up from 62% to 87% of enplaned scheduled air carrier passengers) and away from TRSAs (down from 27% to 10% of enplaned passengers). This should further increase the overall safety furnished by the CVF program. Considering the statutory mandate to seek the "highest degree of safety" for passengers in public air transportation, this expansion of terminal and enroute airspace would be an important factor in assuring that the ATC system continues to keep pace with the projected growth in air carrier passenger enplanements. For the years 1977-1989, these enplanements are forecast to increase by 80% (from 232.1 to 418.4 million) (The source of the forecasts in this notice is a study entitled *FAA Aviation Forecasts: Fiscal Years 1978-1989*, September, 1977. This study is in the rules docket).

COMMUTER AIRLINE PASSENGER BENEFITS

In addition to the substantial increase in terminal airspace protection for air carrier passengers that would be afforded by the planned TCAs and TRSAs, major safety benefits would also result for commuter airline passengers. Using 1977 figures (which is the last set of complete commuter traffic data), the addition of the 44 new TCAs and 80 new TRSAs (and the conversion of some of the existing TRSAs to TCAs) would raise the number of enplaned commuter passengers protected by ATC separation capability from 3,619,550 (in the existing TCAs and TRSAs) to 4,332,637 (after the proposed TCAs and TRSAs come into effect). Within this total increase of 19.7%, the number of enplaned commuter airline passengers protected by the mandatory TCA requirements would be increased from 2,667,992 to 3,446,147. This means that, based only on 1977 commuter data, the planned TCA actions would result in a 29.2% increase in the number of enplaned commuter airline passengers protected by TCA separation procedures. In relation to the total number of enplaned commuter airline passengers in the contiguous 48 States (6,937,649), this achieves an increase, in protected passengers, from 38.5% to 49.7%. When combined with the new TRSA actions, this figure rises to 62.5% of all commuter enplanements. It should be noted that these figures appear to be quite conservative for two reasons. First, they are based on 1977 data, whereas the projected growth of commuter airline operation is expected to place many more passengers in the protected airspace. (The September, 1977, FAA Forecast, discussed above, indicates that, between 1970 and 1977, commuter passenger enplanements increased from 4 million to 7 million, which is an average of more than 8% each year. Commuter enplanements are expected to reach 14.5 million by 1989, which is an increase of 123% from 1977.) In addition, the cited figures are generally for the primary airports only, and do not show enplanements at certain airports, included in TCAs and TRSAs, that are not the primary airport around which the TCA or TRSA is designed. The proposals in this notice could, in summary, be instrumental in increasing the volume of commuter airline passengers that receive the full benefits of the ATC system in terminal airspace.

GENERAL AVIATION BENEFITS

The proposed terminal and enroute proposals in this notice would benefit the general aviation passenger in a manner closely paralleling the benefits accruing to air carrier and commuter passengers. It is impossible to precisely predict the airport use pattern of business, private, and sport aircraft because they are not tied to any schedule and have as a primary value great flexibility of operation. However, many general aviation aircraft use the airports that are used by air carriers and commuters. These aircraft often serve as an important link between the airlines and their ultimate market. The FAA supports this "bridge" function of general aviation within the total public air transportation system and has also considered, in these proposals, the large and vital role of general aviation outside of public air transportation.

General aviation aircraft comprise 98.7% of the total number of aircraft in the U.S. civil aircraft fleet. During 1977, approximately 185,000 active aircraft (out of a total general aviation fleet of 212,735 aircraft) operated approximately 35.8 million hours of flight time. This constituted a 5.6% increase over the total flight hours for 1976 (33.9 million). The 1977 FAA Forecast indicates a growth rate of 5.6% per year through 1982, with a slower growth maintained through 1989. This is expected to result in a 63% increase in numbers of general aviation aircraft from 1977 to 1989 (up to 294,000 aircraft). The hours flown by this expanding general aviation aircraft fleet are forecast to grow 64% between 1977 and 1989. The composition of this fleet is expected to shift toward more fully well equipped single engine airplanes, multiengine airplanes, and turbine powered aircraft as the sophistication of general aviation increases. For example, by 1989, multiengine aircraft—which are already generally well equipped with avionics—are expected to comprise 18.5% of the general aviation fleet compared with 14.4% in 1977. These aircraft will be able to benefit directly from the expanded ATC service contemplated under the CVF concept. In the 44 additional TCAs, 80 additional TRSAs, and lowered positive control area, the proposals in this notice would substantially increase the ability of the ATC system to offer full separation protection to an expanding general aviation community that is already investing heavily in airborne avionics in order to tap into this system.

REGULATORY CONCLUSION

In summary, the raising of TCA ceilings to a lowered PCA floor of 12,500 feet (10,000 feet in the Western Step and Eastern Step) will assure that sep-

aration protection is available, to millions of passengers, in the terminal and enroute phases of flight. This benefit will be significant for air carrier, commuter airline, and general aviation operations. The FAA concludes that this constitutes a needed and substantial increase in the ability of ATC and aircraft operators, working together, to further reduce the remaining risk of midair collision. However, the FAA intends to achieve this benefit in a manner that is responsive to, and accounts for, the potential costs and related impacts of the CVF program on the aviation community. The general aviation segment of that community—particularly the class of personally owned light aircraft—is the most cost sensitive user group. This is discussed below.

Costs and Other Impacts: Request for Public Comments

While the FAA is committed to the improvement of the ATC system wherver possible, it is also concerned with the impacts of it regulations on all airspace users, and will assess the need for expanded air traffic control against the regulatory impacts of "shrinking" the airspace in which aircraft that are not subject to air traffic control may operate freely in a "mix" with aircraft that are subject to air traffic control. Full public participation in the development of FAA regulations concerning this "mix" of controlled and uncontrolled air traffic is essential to solutions that are both effective and equitable. With respect to the enroute CVF proposals in this notice, public comment is requested herein. With respect to the forthcoming TCA proposals, as already noted, comments concerning the impacts of those actions will be invited for each location.

Some questions have been received from the public concerning whether the vigorous pursuit of safety objectives might result in the exclusion of aircraft from certain airspace merely because the aircraft are "small" or classified by purpose of use, such as "general aviation." Such exclusionary classification has no part in the controlled visual flight concept proposed here. While the safety objectives discussed above reflect an FAA commitment and Congressional mandate, the intent is to minimize the costs on all users, wherever possible, consistent with the safety objectives. All segments of aviation are viewed as integral and mutually supporting elements of a healthy and growing national aviation system. The imposition of a cost is intended to be related solely to the need to continue to assure the mandated levels of safety. It is not related to any intent to exclude or burden a particular aircraft class because of its mission. In particular, in dealing with a fleet comprised of 98.7% general aviation aircraft and 1.3% air carrier aircraft, much attention has been directed to the impacts of the CVF concept on the general aviation fleet.

The FAA recognizes the impacts of these proposals, particularly in the new terminal control areas. For example, a May, 1976, study entitled *"Analysis of the Impact of Terminal Control Area (TCA) implementation on General Aviation Activity,"* which investigated the probable effect of selected TCA development on general aviation operations, concludes that—

> The presence of a TCA at a large hub airport is accompanied by a marked shift in the type of general aviation aircraft using the primary TCA airport. This shift is towards the more sophisticated, more expensive, primarily business oriented aircraft.

On the other hand, that study also contained conclusions suggesting that certain other categories of impact may be held to a low level. It states that the establishment of a TCA "does not appear to dramatically affect the total number of airport operations attributable to general aviation aircraft," and that "expanding a TCA either upward or horizontally would have little effect on general aviation if reasonable VFR alternatives are retained." This study is in the docket for public review.

An Evolutionary Process

In order to ensure that the 44 proposed new TCAs, and the raised ceilings of the existing TCAs, are accomplished in a manner responsive to the problems raised at each location, the public will be invited to participate in the development of each of the new TCA actions. The configuration of a TCA can have impacts on the airports, other than the primary TCA airport, that may underlie the TCA or be included in it. Therefore, the concerns of airport operators, as well as those of aircraft operators, will be fully considered in each TCA action. It is believed that, with the same close participation of the aviation community that characterized the development of the existing TCAs following the 1968 Near Midair Collision Report, the projected addition of the new TCAs, some of which would be outgrowths of existing TRSAs, can be accomplished as a logical, equitable evolution of the earlier program.

Pilot Participation

It is encouraging to note that, in the 80 existing TRSAs, which are completely voluntary, approximately 92% of all VFR arrivals and approximately 84% of all VFR departures elected to participate, that is, stay in communication with the appropriate ATC facility and use "Stage III" radar service. (Stage III radar service involves radar sequencing and separation service, to provide separation between participating VFR aircraft and all IFR aircraft operating in the TRSA.) This high participation rate reinforces FAA's broader experience indicating that a high professional concern exists, within all segments of the aviation community, that available safety aids be used whenever possible. The expansion of TCA and TRSA airspace under the CVF program is expected to involve a high degree of pilot support similar to that indicated by the large percentage of VFR pilots who now voluntarily participate in Stage III radar service.

In addition to the question of pilot acceptance, the FAA requests public comment on the economic impacts of the overall CVF concept in terms of equipment required. The lowered floor of the continental positive control area would, as discussed above, require the same equipment as a Group I TCA for all operations at and above 12,500 feet (10,000 feet in the areas described as the "Eastern Step" and "Western Step"). This requires an operable VOR or TACAN receiver, two-way radio capable of communicating on the TCA frequencies, a 4096 Code Transponder, and Mode C altitude reporting equipment. These equipment requirements would be applicable, except for the Mode C capability and (in the limited case specified in § 91.90(b)(2)(iii)) transponder, in the new Group II TCAs.

With respect to aircraft that are now operating above 12,500 feet, the CVF concept should not have additional equipment cost impacts, since § 91.24 already requires those aircraft to have transponders and Mode C altitude reporting equipment, and aircraft having that relatively sophisticated equipment may be expected to have the less sophisticated equipment (VOR/TACAN and two-way radio) proposed under the CVF concept.

With respect to aircraft operations in the band between 10,000 feet and 12,500 feet, probable equipment cost impacts are more difficult to assess, primarily because the FAA, to minimize unnecessary rule making, is reluctant to require VFR pilots or aircraft owners to periodically submit reports on aircraft usage or installed equipment.

However, in 1977, under an extensive but voluntary reporting program, a substantial number of reports were submitted. Because of the limitations of any sampling process, the results must be considered to be approximate. The study is, nevertheless, conservative on the low side and is useful in that it does not underestimate the portion of the general aviation fleet that remains to be equipped with full avionics (and that could, therefore, be most heavily impacted by the CVF

concept). The report indicated that, for the least sophisticated aircraft, that is, single engine airplanes with fewer than 4 seats, 39.5% (29,403 airplanes) had no communications capability whatsoever. Of the airplanes having some communications equipment, 55.2% (41,126) had 360 channel communications capability, and 39.8% (29,650) had at least 100 channel VOR capability (the least sophisticated VOR equipment surveyed). Transponders and encoders were far more scarce, however, with approximately 10.6% of the airplanes (2,877) having transponders and 1.0% having encoders. In this class, therefore, only 1% of the airplanes, out of those sampled would be able to operate above the 10,000-foot portion of the lowered PCA floor, if the CVF concept is adopted as proposed, and 10.6% could operate in the new Group II TCAs. For this least expensive class of aircraft, it appears that an extensive fleet wide investment in avionics may be needed for these airplanes to participate in the new TCAs. It is less clear how the 10,000-foot PCA floor, defining the Eastern Step and Western Step, would affect these aircraft. The critical factor is the importance of operations above 10,000 feet to the operators of these aircraft: The FAA requests public input concerning the extent to which this class of aircraft uses the airspace above 10,000 feet. While nearly all of these aircraft have the theoretical performance capability of doing so, it may be that the long climb periods involved for these relatively low performance aircraft, as compared with the fuel range of these aircraft, and their usage (such as flight instruction, agricultural operation, etc.), effectively keep the aircraft out of the higher altitudes in any case.

The next increment in aircraft cost and complexity (i.e. the jump to the single engine airplane with 4 or more seats) appears, from this 1977 voluntary data, to also involve a major leap in avionics investment. Nearly 70% of the aircraft in this group (67,719 aircraft) were reported as having 360 channel communications equipment, 47.45% (46,565) has at least 100 channel VOR capability, and 70.2% (68,976) were transponder equipped. This class was also much more widely equipped with encoders, with 20.5% (20,128) being so equipped. As aircraft complexity and expense increased beyond this point into the multiengine piston, turboprop, and turbojet classes, the incidence of sophisticated avionics rose markedly, according to the study. For example, 98.3% of the twin engine turboprop airplanes with 12 seats or less (2,255 airplanes) were equipped with both transponder and encoder. For these more sophisticated aircraft classes, the additional equipment costs of the proposals in this notice should be minimal.

Manufacturing Trends

It also appears that normal aircraft production and marketing patterns will gradually reduce the proportion of the general aviation fleet that is most sensitive to avionics costs. For example, in 1977, single engine piston aircraft accounted for 81% of the general aviation fleet. By 1989, this percentage is forecast to drop to 77.5%, while multiengine aircraft are forecast to represent 14% of the fleet in 1989, compared with 11.9% in 1977. The 1977 figures for general aviation shipments (discussed above) confirm that, while total shipments increased from 13,749 in 1968 to 16,624 in 1977, the shipments of single engine airplanes with less than 4 seats declined from 4,507 (1968) to 3,379 (1977). During this period, the shipment of larger single engine airplanes increased from 6,972 to 10,478 and multiengine airplane shipments increased from 2,270 to 2,767. These figures suggest that time is on the side of a relatively problem-free transition to CVF by the expanding general aviation fleet.

However, the FAA recognizes that these overall fleet figures do not answer the concern of the private aircraft owner who has not invested in avionics, and for whom the costs of personal aircraft ownership are already a substantial burden. With regard to the forthcoming terminal airspace proposals, comments from this owner/operator group will be invited. With respect to the en route proposals in this notice, these operators are requested to submit, to the rules docket, their responses to the following questions:

1. If the aircraft is operated above 10,000 feet, what is the aircraft type, how much time is spent above 10,000 feet, and what is the purpose of this high altitude operation?

2. What is the general geographic area of the operation above 10,000 feet? Specific comment on the effect of the boundaries of the Eastern and Western 10,000-foot Steps is requested.

Environmental Considerations

With respect to the lowering of the floor of the continental positive control area to 12,500 feet generally, and 10,000 feet in the Eastern Step and Western Step, and the raising of the existing TCA ceilings to meet this lowered PCA floor, the FAA has determined that the noise, aircraft emissions, and fuel consumption effects would not involve a significant impact on the quality of the human environment. This is true since none of these proposed rule changes would significantly alter the flight paths or operational characteristics of aircraft at the lower altitude at which noise could be a factor (such as the 2,500-foot "buffer" between the PCA floor and high, mountainous terrain), and no change is contemplated that would affect, in any significant way, the emissions characteristics or the total emissions generated by, aircraft operating in the en route or terminal airspace. While the total flight time of certain nonparticipating aircraft may be increased by circumnavigating the TCAs, this factor can be kept to a minimum through the use of minimum-distance bypass airways and VFR routes, and ATC accommodation of aircraft, in the TCA, workload permits. This is also true of the flight rules proposed in § 91.111 since the are not intended to materially affect the basis operation characteristics or flight paths of aircraft. The proposed relaxation of the speed restriction in § 91.70 would permit departing turbojet aircraft, under certain conditions, to leave a noise sensitive airport environment more quickly, in compliance with noise abatement procedures, and at airspeeds that are more efficient from a fuel conservation standpoint. Certain fuel consumption increases may be expected to result from the joining of the TCA ceilings with the lowered floor of the continental positive control area. These impacts and related costs would occur because nonparticipating VFR aircraft would be required to circumnavigate the TCA and could no longer overfly it. However, as was stated above regarding emissions impacts, the FAA has determined that these increases can be kept to a nonsignificant level through the use of fuel-efficient bypass airways, VFR routes permitting the shortest possible distance around the TCA, and ATC accommodation of aircraft where workload permits and where authorized by § 91.24. The individual environmental impacts of the 44 new TCAs that are planned will be addressed in the rule-making process for each of the affected airport areas.

Outline of Proposals

The extensive expansion of positive controlled airspace, as discussed in detail below, is proposed in order to ensure all airspace users the utmost in safe, uneventful air transportation. In order to assist commenters in responding to the request for views, data, and arguments on the application of the controlled visual flight concept, the following outline of the proposed rules is furnished. However, a full understanding of these proposals requires a close reading of the draft regulatory language furnished below. Unless otherwise stated, all altitude reference are Mean Sea Level (MSL).

DEFINITIONS—FAR PART 1

To ensure consistency between the basic regulatory definitions in Part 1 and the concept of controlled visual flight, and to correct deficiencies in that part, the following amendments are proposed (see §1.1):

1. The definition of "controlled airspace" would be broadened to specifically include "positive control areas." This corrects a long standing omission in this definition.

2. A new definition, describing "Controlled Visual Flight" would be added. This states that CVF is the operation of an aircraft under VFR "in designated positive control airspace." Note that CVR is not a third kind of flight other than VFR or IFR. It is not a hybrid. Rather, it would be defined as VFR in designated airspace having all aircraft separated by ATC. Therefore, all of the VFR provisions of the Federal Aviation Regulations would apply, in addition to any special rules applicable in the designated airspace.

3. Also correcting an omission, a definition of "positive controlled airspace" would be added making it clear that all airspace in which "positive control" (as now defined in §1.1) is exercised by ATC is "positive controlled airspace." Together with the new definition of "controlled visual flight" (see above), this makes it clear that ATC separation of each aircraft from all other aircraft, VFR and IFR, is inherent in the CVF concept. This is in addition to the pilot's duty to see and avoid other aircraft specified in §91.67, and the pilot's primary responsibility for flight safety stated in §91.3(a).

AIRSPACE PROPOSALS—PART 71

As stated above, "controlled visual flight" would be defined as VFR operations in "designated positive controlled airspace." The proposed amendments to Part 71 would define the areas of positive controlled airspace within which compliance with the CVF rules would be required. Related amendments would also be made to preserve a consistent airspace structure. These proposals are as follows:

1. The major changes would be the amendment of §71.193 to lower the continental positive control area (PCA) floor from 18,000 feet to 12,500 feet (10,000 feet in the Eastern Step and Western Step), and the amendment of Subpart K raising TCA airspace to meet the lowered PCA floor. This revision of Subpart K would, as in the past, be accomplished by additional airspace actions tailoring the raised airspace of each TCA to the conditions at each location. As stated above, public comment will be sought to minimize the adverse impacts on participating and nonparticipating aircraft. Section 71.12 would also be amended to reflect this revision of Subpart K. In addition, 44 new TCAs, at locations listed above, would be added following notice and public procedure involving Subpart K. With this action, there would be no need for "Group III TCAs," and that category would be removed from §71.12. These changes, when combined with the lowering of the PCA floor, would provide for a continuous protective envelope of airspace, free of unknown VFR traffic, for climbing, cruising, and descending high performance aircraft. When combined with the operating rule proposals in Part 91 (discussed below), these airspace changes would assure the availability of positive control for all traffic, VFR and IFR, from takeoff to landing between locations served by TCAs. The lowering of the PCA floor, as proposed, would not apply to the Alaskan postive control area. The factors affecting aircraft operations in Alaska are not addressed in this notice.

2. Under the current rules, the continental control area extends upward indefinitely from 14,500 feet and the positive control areas terminate at 60,000 feet. There is no need for the airspace of the continental control area to be superimposed on the airspace of the continental positive control area. To eliminate this redundancy in the interest of a simpler airspace structure, §71.9 would be amended (except in Alaska) to raise the floor of the continental control area to coincide with the ceiling of the continental positive control area, which is 60,000 feet (flight level 600).

3. Control zones, under §71.11, now extend upward to the base of the continental control area. However, as stated above, the base of the continental control area would be moved up from 14,500 feet to flight level 600 (see above). There is no need to extend control zones up through the PCA airspace. For this reason, and to further simplify the airspace structure, §71.11 would be amended to provide that control zones terminate at 10,000 feet MSL, (or 3,000 feet above the elevation of the airport, whichever is higher).

OPERATING AND EQUIPMENT RULES—PART 91

The purpose of the operating and equipment proposals in this notice is to provide the conditions under which the "Controlled Visual Flight" concept can be effectively and jointly implemented by ATC and by pilots. These proposals are as follows:

The major equipment and operating rules implementing the CVF concept would be contained in a new §91.111. These rules, which would apply in addition to all other VFR provisions, have one goal in common: The effective and continuous furnishing of ATC services to FVR operations at and above the floor of the continental positive control area. These proposals, which are believed to be the minimum needed to fully realize the benefits of an ATC controlled environment for VFR-trained pilots, are relaxed versions of the rules applicable to IFR operations in the positive control area. They have been designed with the responsibilities of VFR pilots in mind, and include the following:

(1) Either a VFR or IFR flight plan would be required before entering the positive controlled airspace (that is, before climbing to or above the floor of the continental positive control area). As discussed below, this would not change the flight plan requirements applicable to IFR aircraft but would permit cancellation of the IFR flight plan at any time before or after entering the PCA below 18,000 feet, if the CVF rules in §91.111 are complied with and the aircraft is operated in compliance with visual flight rules.

(2) VFR pilots would be prohibited from entering the PCA without ATC authorization and without at least the equipment required for Group I TCAs. This includes transponders and Mode C encoders as well as the navigational and communications capabilities required in §91.90. Consistent with this equipment requirement, §91.24(b)(4) would be amended to apply the en route transponder and Mode C requirement to aircraft "above the floor of the continental positive control area."

(3) To ensure the continued separation capabilities of ATC while a VFR aircraft is under ATC control, new §91.111 would require that VFR aircraft (a) comply with ATC clearances and instructions, (b) advise ATC if visual flight rules cannot be maintained, (c) maintain a continuous radio watch, and (d) report to ATC the loss of navigational capability. A simple rule for departing from the positive control area following two-way radio failure is also proposed. The intent of these proposals is to tailor the new requirements to the skill level of VFR pilots who now work effectively with ATC in terminal control areas. These skills would include the ability to (i) make altitude changes and fly any radar vectors assigned by the controller to maintain positive separation; (ii) file a flight plan defining the route of flight using VOR airways or point-to-point navigation with reference to navigational aids; and (iii) if so cleared by ATC, fly the flight plan route as filed. Experience with VFR pilots now participating in TCAs and TRSAs indicates that these pilots have the skills to comply with these proposals. The FAA emphasized that the provisions of §91.111 would not change, in any

way, the duty of pilots, under VFR, to plan and execute their flights in full compliance with all visual flight rules. This includes the pilots' responsibility to avoid situations (such as "VFR-over-the-top" operations in which a noninstrument rated pilot finds himself or herself over a cloud layer) resulting in deteriorating weather that may preclude continued VFR flight or safe descent at the destination. In these cases, ATC's role and responsibility, under the CVF concept, would be limited to the issuance of clearances and instructions requested by the VFR pilot, and separation of that aircraft from other VFR and IFR aircraft.

(4) Current § 91.75(a) provides that a pilot who has obtained an ATC clearance may cancel an IFR flight plan if operating in VFR weather conditions "except in positive control airspace." There is no intent to prohibit cancellation of an IFR flight plan for IFR aircraft operating in the same airspace as CVF operations. An IFR aircraft should be permitted to cancel its flight plan and proceed in the same manner as CVF aircraft in the positive control area below 18,000 feet. Accordingly, § 91.75(a) would be amended to permit cancellation of an IFR flight plan "except in positive control airspace at and above 18,000 feet." It should be noted that this would not change other rules that may limit the authority of air carriers or other operators to cancel IFR flight plans. Nor would this proposal affect in any way the duty of operators who change from IFR to VFR after entering the positive control area to comply with ATC clearances and instructions, even after an IFR flight plan is cancelled. The CVF rules would apply to these aircraft as well as to the other VFR aircraft in that airspace.

(5) Based on experience in furnishing ATC services to high performance aircraft that are departing from airports served by TCAs, the FAA has determined that the current 250-knot speed limit in § 91.70(a), that now applies below 10,000 feet, can be safely relaxed for certain departing aircraft that are climbing within a TCA. Specifically, once a high performance aircraft has departed from the close-in terminal environment and has reached an altitude of 5,000 feet, the FAA proposes to permit speeds greater than 250 knots, which would reduce the time in which the aircraft is held back in a mix with low altitude traffic, and would achieve improved efficiency in terms of passengers moved and fuel saved. Two alternative concepts are proposed for public comment. Under one proposal, the 250-knot speed limit would simply be eliminated for these climbing aircraft. Under the other alternative, a specific speed limit between 300 and 350 knots would be adopted. Under either concept, ATC would retain full flexibility to restrict the speed of aircraft where necessary for safety. This proposal does not include arriving aircraft since they present a far different traffic management and separation problem by converging, from the high speed en route structure, into the limited low altitude terminal airspace (rather than diverging into the en route environment). For these aircraft, excessive speed must be checked uniformly, by regulation, to assist in safe sequencing, efficient air traffic flow, sector-to-sector hand offs, effective low altitude vectoring, and other ATC tasks that are associated with the approach phase of flight involving the wide ranging mix of different aircraft performances present in the low altitude terminal environment.

(6) Current § 91.97(a) requires all aircraft in positive control areas to comply with specified IFR requirements, including the need for an instrument rating. An exception for aircraft operating under the CVF provisions of § 91.111 is proposed. This would achieve consistency between § 91.97 and the new § 91.111.

(7) In order to avoid unnecessary penalties on a class of sport aviation that has already achieved a high level of safety in operations up to the current floor of the positive control areas (18,000 feet), these proposals would exclude glider operations, although a prior notification of ATC (by radio or telephone) would be required. The modern competition sailplanes that operate in these higher altitudes are highly maneuverable aircraft with excellent cockpit visibility. Their operation frequently involves almost continuous circling flight, which exposes the entire horizon to pilot vision. Because of the necessarily random mode of operation of soaring operations, the CVF requirements proposed herein are virtually incompatible with soaring operations in the high altitudes. The imposition of this kind of impact has not been justified in view of the high safety record established for high altitude glider operations. The equipment and operating rule proposed in §§ 91.111 and 91.24(b) as amended, would contain exceptions for gliders operating between the floor of continental positive control area (10,000 feet or 12,500 feet, as appropriate) and 18,000 feet. It is believed that a requirement for prior notification would provide ATC with an adequate basis for routing other aircraft around the glider operations.

(8) In view of the proposal to add 44 new TCAs, as discussed above, there would be no need for Group III TCAs as an additional airspace category. Accordingly, the references to "Group III" TCAs would be removed from §§ 91.24 and 91.90.

Parachute Jumps—Part 105

As noted above, the CVF concept is intended to ensure that ATC is aware of, and can separate, all traffic in designated airspace. The FAA has become concerned that the presence of unknown jump aircraft, and the random dropping of parachutists, may prevent full attainment of existing aircraft separation capabilities in positive controlled airspace. Experience indicates that the vertical trajectory, near invisibility, and lack of maneuverability of free falling jumpers make it extremely difficult for pilots to see and avoid them. For this reason, this proposal, when combined with the lowered PCA floor, would affect parachutists in three ways. First, the requirements in proposed § 91.111 would apply to the jump aircraft itself. Secondly, by lowering the floor of the continental positive control area to 12,500 feet (10,000 feet in the Western Step and Eastern Step), the current provisions of § 105.21, including the requirement for an ATC authorization, and the information provisions of § 105.25, would apply to jumps at and above that lowered floor. Finally, § 105.21 would be amended to extend these requirements downward into terminal control areas. Comments from the sport parachuting community are requested to assist the FAA in minimizing the impact of this proposal on jump operations.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Parts 1, 71, 91, and 105 of the Federal Aviation Regulations (14 CFR Parts 1, 71, 91, and 105) as follows:

PART 1—DEFINITIONS

§ 1.1 [Amended]

1. By amending § 1.1 by revising the definition of "controlled airspace" by adding the words "positive control area," between the words "control area," and the words "control zone,"

2. By amending § 1.1 to add the following new definition following the definition of "controlled airspace": "'Controlled visual flight' means the operation of an aircraft under VFR in designated positive controlled airspace."

3. By amending § 1.1 to add the following definition following the definition of "positive control": "'Positive controlled airspace' means designated airspace in which positive control is exercised."

PART 71—AIRSPACE PROPOSALS

4. By amending § 71.9 to read as follows:

§ 71.9 Continental Control Area.

The Continental Control Area consists of the airspace of the 48 contiguous States and the District of Columbia above flight level 600, and Alaska above 14,500 feet MSL, except—

(a) The Alaska Peninsula west of longitude 160°00'00" W.,;

(b) The airspace less than 1,500 feet above the surface of the earth; and

(c) Prohibited and restricted areas, other than restricted areas prescribed under Subpart D of this part.

5. By amending the first two sentences of § 71.11 to read as follows:

§ 71.11 Control zones.

The control zones listed in Subpart F of this part consist of controlled airspace which extends upward from the surface of the earth. Unless otherwise prescribed by the Administrator in Subpart F, control zones terminate at 10,000 feet MSL, or 3,000 feet above the airport elevation, whichever is higher.

* * * * *

§ 71.12 [Amended]

6. By amending § 71.12 by adding the following new second sentence after the words "of this chapter": "Each terminal control area underlying the continental positive control area listed in Subpart H of this part contains airspace terminating at the base of the continental positive control area, unless otherwise specified in subpart K." The reference to Group III Terminal Control Areas would be removed.

NOTE: The 21 Terminal Control Areas defined in Subpart K would be individually amended, in later airspace actions, to raise their ceilings to the lowered floor of the continental positive control area. This would also be true of the 44 new TCAs that are proposed. Those actions are not included in this notice but would be taken later under Subpart K. Subpart K is not published in the Code of Federal Regulations, but is found in the FEDERAL REGISTER at 43 FR 647, January 3, 1978.

7. By amending § 71.193 by revising the description of the continental positive control area to read as follows:

§ 71.193 Designation of Positive Control Areas.

* * * * *

CONTINENTAL POSITIVE CONTROL AREA

That airspace at and above 12,500 feet MSL (excluding that airspace at and below 2,500 feet AGL), up to and including flight level 600, within the 48 contiguous States and the District of Columbia, excluding the Santa Barbara Island, Farallon Island, and the airspace south of Lat. 25°04'00" N; and the airspace at and above 10,000 feet MSL (excluding that airspace at and below 2,500 feet AGL), but below 12,500 feet MSL, in the following areas:

(1) Western Step. Within lines extending from Lat. 39°15'00"N., Long. 123°51'00"W., via Lat. 39°15'00"N., Long. 121°00'00"W., Lat. 37°03'00"N., Long. 119°29'00"W., Lat. 36°33'00"N., Long. 119°14'00"W., Lat. 35°14'00"N., Long. 118°42'00"W., Lat. 34°56'00"N., Long. 118°21'00"W., Lat. 34°51'00"N., Long. 118°14'00"W., Lat. 34°48'00"N., Long. 118°05'45"W., Lat. 34°46'00"N., Long. 118°00'00"W., Lat. 33°56'00"N., Long. 116°22'00"W., Lat. 33°28'30"N., Long. 115°42'10"W., Lat. 33°23'40"N., Long. 115°33'20"W., Lat. 32°51'00"N., Long. 115°26'00"W., intersection of the United States/Mexican border with Long. 115°23'00"W., thence via the United States/Mexican border to Lat. 32°31'30"N., Long. 117°11'00"W., thence via a line three miles from and parallel to the coastline to the point of beginning excluding that airspace below 2,500 feet AGL.

(2) Eastern Step. East of the Mississippi River and east of a line extending from Lat. 46°16'30"N., Long. 94°20'30"W., via the 94°20'30"W., line of longitude to the United States/Canadian border.

NOTE.—Section 71.193 is found in the FEDERAL REGISTER only (43 FR 630, January 3, 1978). It is not published in the Code of Federal Regulations.

PART 91—OPERATIONS AND EQUIPMENT

§ 91.24 [Amended]

8. By amending § 91.24(b) to—

(i) Provide an exception from the ATC Transponder and Mode C altitude reporting equipment requirement, for persons operating gliders above the floor of the Continental Positive Control Area "up to, but not including, 18,000 feet MSL" rather than "below the floor of the positive control area" as stated in the current rule; and remove the reference to Group III TCAs in § 91.24(b)(3); and

(ii) Delete the words "above 12,500 feet * * * below 2500 feet AGL" in § 91.24(b)(4) and insert the words "above the floor of the continental positive control area" in place thereof.

9. By amending § 91.70 by revising the flush paragraph following paragraph (b) to read as follows:

§ 91.70 Aircraft Speed.

* * * * *

(b) * * *

Paragraph (b) of this section does not apply to any operations within a Terminal Control Area. Such operations shall comply with paragraph (a) of this section except that, in Terminal Control Areas contacting the base of a positive control area, climbing aircraft over 5,000 feet above the airport elevation, that are cleared for altitudes above 10,000 feet MSL within the TCA, may exceed 250 knots (288 M.P.H.) unless otherwise instructed by ATC. [In the alternative, the FAA proposes to specify a single speed limit, selected from between 300 and 350 knots, for these climbing aircraft.]

§ 91.75 [Amended]

10. By amending § 91.75(a) by deleting the second sentence and substituting for it the words "However, except in positive controlled airspace at and above 18,000 feet MSL, this paragraph does not prohibit the pilot from cancelling an IFR flight plan if the aircraft is operated in BFR weather conditions in compliance with the visual flight rules in this part, including the controlled visual flight provisions of § 91.111.

§ 91.90 [Amended]

11. By deleting § 91.90(c), *Group III Terminal Control Areas.*

§ 91.97 [Amended]

12. By amending § 91.97(a) by revising the introductory clause ("Except * * * section,") to read as follows: "Except as provided in paragraph (b) of this section and in § 91.111,* * *"

13. By adding the new subject heading "CONTROLLED VISUAL FLIGHT" immediately following § 91.109.

14. By adding the following new § 91.111 immediately after the new subject heading "CONTROLLED VISUAL FLIGHT" and immediately before the subject heading "INSTRUMENT FLIGHT RULES":

§ 91.111 Controlled Visual Flights.

(a) Each person who operates an aircraft (other than a glider) under VFR in the continental positive control area designated in Part 71 of this chapter, at below 18,000 feet MSL, shall comply with this section in addition to the other visual flight rules of this part.

(b) Each person who operates a glider in the continental positive control area at and below 18,000 feet MSL shall notify ATC prior to entering that airspace and furnish any information requested by ATC to assure safe separation.

(c) No pilot may operate an aircraft entering the continental positive control area under VFR unless—

(1) A VFR or IFR flight plan is filed in accordance with § 91.83 before entering that airspace;

(2) ATC authorizes the pilot to enter that airspace; and

(3) The aircraft is equipped as required for Group I Terminal Control Areas in § 91.90(a).

(d) Each pilot operating an aircraft in the continental positive control area under VFR shall—

(1) Comply with ATC clearances and instructions in accordance with § 91.75;

(2) Advise ATC if compliance with an ATC clearance or instruction may cause the pilot to violate the visual flight rules of this part;

(4) In the event of two-way radio failure, use the transponder code designated for such failure, continue to comply with visual flight rules, and leave the continental positive control area as soon as possible; and

(5) Report immediately to ATC the loss of VOR or other navigational capability.

* * * * *

PART 105—PARACHUTE JUMPING

15. By amending § 105.21 by amending the section heading and paragraph (a) to read as follows:

§ 105.21 Jumps in or into positive control areas or terminal control areas.

(a) No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft, in or into a positive control area or terminal control area without, or in violation of, an authorization issued under this section.

* * * * *

(Secs. 305, 306, 307, 313(a), 601, and 1110, Federal Aviation Act of 1958, as amended (49 U.S.C. 1346, 1347, 1348, 1354(a), 1421 and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45 and 11.65).

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

Issued in Washington, D.C., on December 27, 1978.

FRANKLIN L. CUNNINGHAM,
Acting Director,
Air Traffic Service.

[FR Doc. 78-36467 Filed 12-28-78; 11:38 am]

Federal Register

THURSDAY, JANUARY 4, 1979
PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Eligibility Criteria

[4210-01-M]

Title 24—Housing and Urban Development

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

[Docket No. R-78-606]

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Eligibility Criteria

AGENCY: Department of Housing and Urban Development.

ACTION: Interim Rule.

SUMMARY: This interim rule amends sections of Subpart C relating to assignment of home mortgages to HUD. The revised regulations clarify criteria to be used in determining whether a mortgage is eligible for assignment and specify conditions under which the Secretary may waive certain eligibility criteria. It is the intent of the Department that no mortgagee commence foreclosure or acquisition of a property until the requirements of the assignment program have been met.

EFFECTIVE DATE: January 4, 1979. Comments due: February 5, 1979.

ADDRESS: Interested persons may participate in this rulemaking by submitting written comments, suggestions or data to 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. Each person submitting comments should indicate his or her name and address and should refer to the date of publication of this interim rule and give the docket number that appears in the heading. Reasons should be given for the commenter's opinion. Copies of all written comments will be available for examination and copying by interested persons in the Office of the Rules Docket Clerk at the address to which comments are submitted. After public participation has concluded, the Secretary will issue a final rule in this proceding, adopting the subpart with such changes as may be appropriate in light of the public rulemaking.

FOR FURHTER INFORMATION CONTACT:

Julius Williams, Director, Single-Family Loan Servicing Division, Office of Single-Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Phone number 202-755-5752.

SUPPLEMENTARY INFORMATION: This interim rule will modify. 24 CFR 203.606 and 203.650 through 203.659 so as to effect the following changes in the administration of the Home Mortgage Assignment Program.

(1) *Section 203.606* clarifies when a mortgagee may initiate foreclosure without sending the mortgagor the assignment notices discussed in §§ 203.651 and 652. Recognizing that unnecessary delay in commencement of foreclosure action on vacant properties can result in damage to the property and contribute to neighborhood deterioration, the Department has qualified previous regulations by inserting the phrase "for more than 60 days" in paragraph (b)(1). The revised paragraph (b)(3) permits mortgagees to consider bypassing the assignment program only when the mortgagor owns two or more rental properties; previous regulations placed no restriction upon the number of rental properties. As now written, paragraph (b)(3) will enable mortgagees to bypass the assignment program when equity skimming is indicated but will still require that, for example, a mortgagor, who owns one rental property and uses cash flow from that property to meet living expenses, receive the assignment notices.

(2) *Section 203.650(a)* permits the Secretary to waive both criterion (3) regarding principal residence and criterion (4) regarding ownership of other HUD-insured or HUD-held properties and specifies conditions under which the Field Office should consider waiving the criteria. Previously, Field Offices were permitted to waive only criterion (4). In addition, paragraph (5) of § 203.650(a) now permits the Secretary to extend the term of the mortgage by up to ten years, regardless of the age of the mortgage. Previously, such extension was permitted only if the mortgage was at least ten years old on the date the mortgage was assigned to the Secretary.

(3) *Sections 203.651 and 203.652* have been revised to acknowledge the exceptions provided for in § 203.606(b).

(4) *Section 203.654(c)* has been revised to provide that both the mortgagee and the mortgagor receive copies of HUD's preliminary decision letters.

(5) *Section 203.656* has been revised to delete the 200 mile limitation that previously appeared in the last sentence. The Department recognizes that mortgagors may experience difficulty in traveling distances less than 200 miles. The Department intends that the conference be held at a time and location which does not place a hardship upon the mortgagor. The Field Office may consider alternate sites (i.e., office of a HUD-approved counseling agency, a closer HUD office in another State, etc.) even if the mortgagor lives within 200 miles of the local Field Office.

(6) *Section 203.659* has been revised to acknowledge the exceptions provided for in § 203.606(b).

HUD field staff and others involved with the Home Mortgage Assignment Program (i.e., Mortgage Bankers Association, Legal Services, etc.) have reviewed drafts of handbooks that will be used to administer the assignment program in accordance with these revised regulations; hence, these groups have reviewed the substance of these revised regulations. Immediate publication of these revisions is needed to insure that financially troubled mortgagors are given adequate consideration for assignment and to permit mortgagees to promptly initiate foreclosure when equity skimming is apparent. Given the above, the Department finds it impractical and unnecessary to provide for public comment in advance of the effective date of this revision and good cause exists for making this rule effective upon publication.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. 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 at the address listed above.

Accordingly, the Secretary of Housing and Urban Development amends Part 203 of 24 CFR as follows:

1. In § 203.606 paragraph (b) is revised to read as follows:

§ 203.606 Pre-foreclosure review.

(a) * * *.

(b) If the mortgagee determines that any of the following conditions have been met, the mortgagee may initiate foreclosure without sending the assignment notices required by §§ 203.651 and 203.652.

(1) The mortgaged property has been abandoned or vacant for more than 60 days.

(2) The mortgagor, after being clearly advised of the options available for relief, has clearly stated in writing that he/she has no intention of honoring his/her mortgage obligation.

(3) The mortgagor owns two or more properties occupied by tenants who are paying rent, and the rental income from the property under review is not being applied to the mortgage on that property.

2. Section 203.650 is amended by revising (a) (2), (3), (4), (5), and (6), and (b) (1) and (4) to read as follows:

§ 203.650 Assignment of Mortgages.

(a) * * *

(1) * * *

(2) At least three full monthly installments due on the mortgage are unpaid after application of any partial payments which may have been accepted but not yet applied to the mortgage account.

(3) The property is the mortgagor's principal place of residence. This criterion may be waived by the Secretary if the property has been leased or rented and the rental income has been applied to the mortgage delinquency or to effect repairs necessary to maintain the property in a safe and habitable condition or if such waiver is determined to be in the best interests of the Department.

(4) The mortgagor does not own other property subject to a mortgage insured or held by the Secretary. This criterion may be waived by the Secretary if the income from such other property is the mortgagor's principal source of income.

(5) The mortgagor's default has been caused by circumstances beyond the mortgagor's control which render the mortgagor unable to correct the delinquency within a reasonable time or make full mortgage payments.

(6) There is a reasonable prospect that the mortgagor will be able to resume full mortgage payments after a period of reduced or suspended payments not exceeding 36 months and will be able to pay the mortgage in full by its maturity date extended, if necessary, by up to ten years.

(b) * * *

(1) The mortgaged property has been abandoned or vacant for more than 60 days.

(2) * * *

(3) * * *

(4) The mortgagor owns two or more properties occupied by tenants who are paying rent, and the rental income from the property under review is not being applied to the mortgage on that property.

3. Section 203.651 is revised to read as follows:

§ 203.651 Preliminary notice to mortgagors.

In all cases, except as provided in § 203.606(b), prior to initiating any action required by law to foreclose the mortgage but not before three full monthly payments are due and unpaid, the mortgagee shall notify the mortgagor in a form approved by the Secretary that the mortgagor is in default, the mortgagee intends to foreclose unless the mortgagor cures the default, and the mortgagee is considering whether or not to request the Secretary to accept assignment of the mortgage.

4. Section 203.652 is amended to read as follows:

§ 203.652 Determination by mortgagee.

(a) * * *

(b) Except as provided in § 203.606(b), in any case which the mortgagee determines that all of the conditions of § 203.650(a) are not met, it will advise the mortgagor that the mortgagor may, by letter or telephone, ask the Secretary to accept assignment of the mortgage. Such request must be received by the Secretary within 15 days after the mortgagee's notice that it will not request acceptance of assignment. The mortgagee will delay initiation of foreclosure upon notice from the Secretary.

(c) * * *

5. In § 203.654, paragraph (c) is revised to read as follows:

§ 203.654 Preliminary review and determination by Secretary.

(a) * * *

(b) * * *

(c) If after preliminary review of the documents, the Secretary determines that assignment should not be accepted, the Secretary will notify the mortgagee and the mortgagor of the reasons for the determination and will advise the mortgagor that he/she may request further consideration. The mortgagor may present additional information or argument by mail or by telephone within 15 days of the notice or, alternatively, the mortgagor shall be entitled to present such information or argument in person at a conference which must be held in accordance with § 203.656 within 25 days of the notice.

§ 203.656 [Amended]

6. In § 203.656, the last sentence is revised to read "The conference shall be held at the HUD office or at a mutually convenient place."

7. In § 203.659, paragraphs (a) and (c)(1) are revised to read as follows:

§ 203.659 Foreclosure.

(a) Except as provided in § 203.606(b), the mortgagee shall not initiate foreclosure before the mortgagor has had an opportunity to request the Secretary to accept assignment of the mortgage and to support its request as provided in § 203.650 through § 203.662.

(b) * * *

(c) * * *

(1) The conditions of § 203.606(b) are met.

(2) * * *

(3) * * *

(4) * * *

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued at Washington, D.C., November 21, 1978.

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

[FR Doc. 79-346 Filed 1-3-79; 8:45 am]

Federal Register

THURSDAY, JANUARY 4, 1979
PART IV

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS

Procedures; Final Rules

[4310-84-M]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2439]

SUBCHAPTER B—LAND RESOURCES MANAGEMENT

[Group 2700—Disposition; Sales]

PART 2720—CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS

Procedures

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes the procedure under which the Secretary of the Interior will exercise the authority granted him by the Congress to convey Federally-owned mineral interests. Section 209 of the Federal Land Policy and Management Act of 1976 authorizes the Secretary of the Interior to convey mineral interests owned by the United States when the surface is or will be in non-Federal ownership if certain conditions are met.

EFFECTIVE DATE: January 5, 1979.

ADDRESS: Director (210), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Robert C. Bruce, 202-343-8735.

SUPPLEMENTARY INFORMATION: The text of a proposed rulemaking on conveyancing of Federally-owned mineral interests was published on pages 57862 through 57864 of the FEDERAL REGISTER of November 4, 1977. That proposed rulemaking outlined the procedures that would be followed by the Secretary of the Interior in carrying out the authority granted him by section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719). Section 209 gives the Secretary of the Interior authority to convey mineral interests owned by the United States under certain limited circumstances. The conveyance of Federally-owned mineral interests may be made when the surface is or will be in non-Federal ownership but is restricted to those instances where there are no known mineral values in the land or where the continued reservation of the mineral interests by the United States interferes with or precludes appropriate non-mineral development of the land and such development would be a more beneficial use of the land than its mineral development.

The procedure outlined in the rulemaking is an application procedure. Under the rulemaking, anyone who owns or will own the surface of land, in which the United States owns or reserves the mineral interests, may file an application to purchase the interests of the United States. The rulemaking provides that the mineral interests of the United States can be conveyed when there are no known mineral values in the land or when the mineral ownership or reservation is interfering with or precluding development of the surface and the planned surface development is more beneficial than the mineral development.

Included in the rulemaking is the procedure to be followed in determining the fair market value of the reserved mineral interests as well as the method under which the actual conveyance will be made.

The principal author of this rulemaking is Robert C. Bruce of the Division of Legislation and Regulatory Management, assisted by the Division of Mineral Resources and the Division of Lands and Realty, all of the Bureau of Land Management, as well as the staff of the Office of the Solicitor and the U.S. Geological Survey.

The 60 day comment period was extended to March 1, 1978, in response to a request of the land officials of the Western States to enable them to consider the proposed rulemaking at a meeting of their group. During the comment period, 42 comments on the proposed rulemaking were received. Twenty eight of the comments were made by States, eight came from organizations, four from individuals and two from other Federal agencies. All of the comments were given careful consideration and a number of the suggested changes were incorporated in the final rulemaking.

GENERAL COMMENTS

Most of the comments expressed the opinion that the proposed rulemaking carried out the intent of Congress and established a procedure that was acceptable. There was also general agreement that the authority granted by section 209 of the Federal Land Policy and Management Act that was reflected in the proposed rulemaking was very limited and would have very limited application. Even with limited application of the rulemaking, most of the comments indicated that the purpose of the section of the law and implementing regulations was beneficial and would allow an easier method of combining the surface and sub-surface estate than now exists.

One of the comments called for an economic impact analysis on the rulemaking. As was stated in the preamble to the proposed rulemaking, no economic impact analysis is needed because the economic impact of this rulemaking does not fall within the guidelines established pursuant to Executive Order 11821 and OMB Circular A-107. An economic impact analysis of this rulemaking has not, therefore, been prepared.

The matter of beneficial use drew a sizable number of comments. In considering the question of beneficial use, it is important to remember that the need to determine whether the use contemplated for the land is more beneficial than mineral development will arise only in those instances where there is a termination that the land contains valuable mineral interests and there is a contemplated use that will cover payment of the costs of an exploratory program and for the minerals found. As one of the comments pointed out "Only projects such as commercial or industrial development could warrant the cost of conducting studies and exploratory programs which may be necessary to determine the fair market value of said minerals." The vast majority of applications filed under this rulemaking will probably be situations where there are no mineral values in the land and the application can be acted on without ever having to decide the question of beneficial use.

Each situation where determination as to beneficial use will be required, will be different from all others and will have to be judged on its individual merits. Thus it is impractical to include in the rulemaking a rigid set of procedures for making the determination. The authorized officer will be given a set of guidelines in the Bureau of Land Management Manual that will be issued to accompany this rulemaking. In any event, the basis of a determination by the authorized officer on the question of beneficial use will be included in the report on which that determination is based and will be available to those who wish to see it.

Another major concern of those commenting on the proposed rulemaking was the question of what protection, if any, might be available to prevent the location of a mining claim on land covered by an application. Section 209 does not provide any separate withdrawal authority for those lands under application and the only other authority available for withdrawal is section 204 of the Federal Land Policy and Management Act. Under the authority granted in section 204, it is possible for the authorized officer to recommend a withdrawal if he deems it in the public interest to do so on lands covered by an application to purchase the Federally-owned mineral interest. However, it would be up to the

Secretary to make a decision as to whether to make the withdrawal or not. The Bureau of Land Management Manual relating to this rulemaking will contain guidelines for withdrawal consideration by the authorized officer.

Comments were also directed at the question of what action will be taken with regard to mining claims located on the land covered by an application to purchase the Federally-owned mineral interests. Outstanding mining claims could be handled by either conveying the interest subject to the claim and allowing the owner to work out problems with the claimant or by a process of having the Federal Government challenge the mining claim as part of the process of approving the application. A mining claim challenge is a long and expensive process and would prolong the approval process and increase the administrative costs. There is no easy solution to the handling of this problem and it will have to be worked out on a case by case basis after discussions between the applicant and the authorized officer.

Several comments raised the question of what will be done about setting a value on minerals that now have little or no value but are later found to be economically important. All evaluations will be based on present technology with the value being based on what is known at the time the appraisal is made, not on speculation as to the future.

One comment stated that the rulemaking did not make it clear that the conveyancing was by sale. The inclusion of this rulemaking in Group 2700 which is entitled "Disposition; Sales" makes it clear that this is a rulemaking covering the sale of mineral interests.

Several comments questioned whether this procedure was confined to those instances where the United States owned the entire mineral estate or was applicable to those instances where the United States owned only a partial mineral interest. The rulemaking is not confined to those instances where the United States owns the entire mineral interests in the land. The application can be filed for whatever interest the United States owns, whether it be the entire mineral estate, only one mineral or a percentage of the mineral estate.

Finally, a number of general comments discussed the general area of deposits and charges for actions in connection with the rulemaking. Section 209 of the Federal Land Policy and Management Act of 1976 requires that all administrative costs and fair market value for the interests being conveyed be collected before the conveyance is made. Therefore, there is no alternative but to collect the costs and fair market value from all applicants. This provision also forecloses refunding of any money collected that is needed to cover administrative costs. The $50 fee required with all applications is what was determined to be the minimum amount needed to cover normal administrative costs in connection with the processing of an application.

Specific Comments

Many of the comments were directed at specific sections of the rulemaking. These are discussed on a section-by-section basis and the action taken indicated on each one.

One comment dealt with section 2720.0-5, the definitions section. The question was raised as to whether the definition of "prospective record owner" covered States. In recognition of the fact that the word "private" as it refers to ownership in the definition is too narrow, the word "non-Federal" was substituted. This is the language in the statute. It makes clear that any non-Federal land is covered by the definition. The word "private" is again used in § 2720.1-2(d)(3) in connection with the word "ownership" and to be consistent the word "non-Federal" was substituted for "private" in that section.

As a result of the review of the definition of "prospective record owner" it was decided that the definition should include conveyances authorized by other statutes and the change has been made.

Another comment with regard to the definitions was that the term "authorized officer" needed to be defined. Some persons asserted that defining the term would clear up any ambiguity as to exactly who the authorized officer is and whom he works for. A definition of "authorized officer" has been added as new section (c). A question came from an Eastern State as to where an application should be filed because there is no State BLM Office in many Eastern States. Section 2720.1-2(a) does not clearly answer that question. The section has been amended to bring it into line with the provisions of § 1821.2-1(d) of Title 43 of the Code of Federal Regulations.

A number of comments were made on § 2720.1-2(d). Many of the comments suggested changes that would make the section clearer and more easily understood. Many were adopted. As an example, in § 2720.1-2(d)(2) the word "or" as it appears in that section was changed to "and" because as one comment pointed out, the additional information is needed from a prospective purchaser. The amendment makes it clear that additional information from the prospective purchaser is needed to complete the information obtained from the owner.

In paragraph (3) of § 2720.1-2, the words "to the applicant" have been inserted just prior to the word "and" at the end of the paragraph. This makes it clear that the information requested is in reference to the applicant. Likewise, in paragraph (4) the words "nature of" have been inserted after the word "the" in the beginning of part (i) of the paragraph. This makes it clear that the application shall contain as complete a description as possible of the extent of the Federal interests in the land covered by the application. This change resolves the question as to whether an application can be made where the United States owns less than the entire mineral estate. In part (i), the word "explanatory" has been substituted for the word "substantiating" in order to make the language clearer. Several other language changes have been made in § 2720.1-2 to clarify it.

Section 2720.1-3 drew a number of comments about the time frames set forth in the section. After studying the question of time frames, two changes were made in response to the comments. The first change extends the time of the authorized officer to set the amount of the required deposit from 60 to 90 days. This extension should allow sufficient time to take care of office staff work. The second time change was the addition of words allowing an extension of time for the applicant to respond to the notice from the authorized officer as to the conduct of an exploratory program. Also § 2720.1-3(e), has been changed to make it clear that the authorized officer is the person who obtains the approval of the Geological Survey to the plan of operations for an exploratory program. This change was made in response to a number of comments that expressed some confusion on this point. Another change made in this section was to extend to 90 days the time the authorized officer has to give his consent to the conducting of an exploratory program by the applicant.

A final change in this section came about as part of our review of the section. Section 2720.1-3 did not make it clear that the applicant who conducted the mineral survey required by the rulemaking would have to make a deposit to cover administrative cost, the cost of analyzing the data submitted and the cost of preparing the conveyance. The section has been amended to clarify this point.

One of the areas of greatest concerns on the part of those commenting on the proposed rulemaking was the language in § 2720.3 that included the cost of removal of the mineral reservation as part of the fair market value of the mineral interests of the United States. The comments ranged from the view that this cost was not pro-

vided for in the language of section 209 of a question of how this value would be determined. This question has been restudied and the phrase "the administrative costs involved in development of and issuance of conveyance documents," has been substituted for the phrase "the value of removal of mineral reservation." Also the words "or other" have been deleted from the last line of § 2720.3(b). Editorial and language changes needed to clarify the rulemaking have been made.

Under the authority of sections 209 and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) Subchapter B, Chapter II, Title 43 of the Code of Federal Regulations is amended by adding Part 2720 as set forth below.

GUY R. MARTIN,
Assistant Secretary of the Interior.

DECEMBER 29, 1978.

PART 2720—CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS

Subpart 2720—Conveyance of Federally-Owned Mineral Interests

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2720.2 Determination that an exploratory program is not required.
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2720.4 Issuance of document of conveyance.
2720.5 Appeals.

AUTHORITY: Sections 209 and 310 of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

Subpart 2720—Conveyance of Federally-Owned Mineral Interests

§ 2720.0-1 Purpose.

The purpose of these regulations is to establish procedures under section 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719, for conveyance of mineral interests owned by the United States where the surface is or will be in non-Federal ownership.

§ 2720.0-2 Objectives.

The objective is to allow consolidation of surface and subsurface or mineral ownership where there are no known mineral values or in those instances where the reservation interferes with or precludes appropriate non-mineral development and such development is a more beneficial use of the land than the mineral development.

§ 2720.0-3 Authority.

(a) Section 209(b) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719(b), authorizes the Secretary of the Interior to convey mineral interests owned by the United States where the surface is or will be in non-Federal ownership, if certain specific conditions are met.

(b) Section 310 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1740, authorizes the Secretary of the Interior to promulgate rules and regulations to carry out the purposes of the Act.

§ 2720.0-5 Definitions.

As used in this subpart, the term:

(a) "Prospective record owner" means a person who has a contract or other agreement to purchase a tract of land that is in non-Federal ownership with a reservation of minerals in the United States, or a person who is purchasing a tract of land under the provisions of the Federal Land Policy and Management Act of 1976 or other laws authorizing the conveyance of Federal lands subject to the reservation of a mineral interest.

(b) "Known mineral values" means mineral values in lands with underlying geologic formations which are valuable for prospecting for, developing or producing natural mineral deposits. The presence of such mineral deposits in the lands may be known, or geologic conditions may be such as to make the lands prospectively valuable for mineral occurrence.

(c) "Authorized officer" means any employee of the Bureau of Land Management to whom has been delegated the authority to perform the duties described in this part.

§ 2720.1 Application to purchase Federally-owned mineral interests.

§ 2720.1-1 Filing of application.

Any existing or prospective record owner of the surface of land in which mineral interests are reserved or otherwise owned by the United States may file an application to purchase such mineral interests if (a) He has reason to believe that there are no known mineral values in the land, or (b) The reservation of ownership of the mineral interests in the United States interferes with or precludes appropriate non-mineral development of the land and such development would be a more beneficial use of the land than its mineral development.

§ 2720.1-2 Form of application.

(a) An application shall be filed with the proper BLM Office as listed in § 1821.2-1(d) of this Title.

(b) No specific form is required.

(c) A non-refundable fee of $50 shall accompany the application.

(d) Each application shall include:

(1) The name, legal mailing address, and telephone number of the existing or prospective record owner of the land included in the application;

(2) Proof of ownership of the land included in the application, and in the case of a prospective record owner, a copy of the contract of conveyance or a statement describing the method by which he will become the owner of record;

(3) In the case of non-Federal ownership of the surface, a certified copy of any patent or other instrument conveying the land included in the application to the applicant; and

(4) As complete a statement as possible concerning (i) the nature of Federally-reserved or owned mineral values in the land, including explanatory information, (ii) the existing and proposed uses of the land, (iii) why the reservation of the mineral interests in the United States is interfering with or precluding appropriate non-mineral development of the land covered by the application (iv) how and why such development would be a more beneficial use of the land than its mineral development, and (v) a showing that the proposed use complies or will comply with State and local zoning and/or planning requirements.

§ 2720.1-3 Action on application.

(a) Within 90 days of receipt of an application to purchase Federally-owned mineral interests, the authorized officer shall, if the application meets the requirements for further processing, determine the amount of deposit required and so inform the applicant.

(b) No application filed under this subpart shall be processed until the applicant has either (1) Deposited with the authorized officer an amount of money that the authorized officer estimates is needed to cover administrative costs of processing, including, but not limited to, costs of conducting an exploratory program, if one is required, to determine the character of the mineral deposits in the land, evaluating the existing data [or the data obtained under an approved exploratory program] to aid in determining the fair market value of the mineral interests to be conveyed, and preparing and issuing the documents of conveyance, or (2) has obtained the consent of the authorized officer to conduct an exploratory program, such program to be conducted only under a plan of operations approved by the authorized

officer after he has obtained the approval of the U.S. Geological Survey and deposited with the authorized officer an amount of money the authorized officer estimates is needed to cover administrative costs of processing, including, but not limited to, costs of evaluating existing data and data submitted from an approved exploratory program to determine the fair market value of the mineral interests to be conveyed and preparing and issuing the documents of conveyance. The authorized officer in reaching a determination as to whether that are any known mineral values in the land and, if so, the estimated costs of an exploratory program, if one is needed, shall rely upon reports on locatable and saleable minerals prepared by the Bureau of Land Management and mineral resource evaluation reports on leasable minerals prepared by the U.S. Geological Survey.

(c) The authorized officer shall inform the applicant of his determination as to the need for an exploratory program, and where appropriate, the estimated cost of such a program. The applicant may request that the exploratory program be arranged by the authorized officer or request the consent of the authorized officer to accomplish any required exploratory program by other means, at his own expense, under a plan of operations approved by the authorized officer after having obtained the approval of the U.S. Geological Survey and to provide the results to the authorized officer for his use and approval. The applicant shall, within 60 days of receipt of such notice, or any extension thereof, respond to the authorized officer's notice, stating whether he wishes to have the authorized officer arrange to have conducted the required exploratory program or requests the consent of the authorized officer to accomplish any required exploratory program by other means. Failure to respond to said notice shall void the application.

(d) If the applicant requests that any required exploratory program be arranged by the authorized officer, he shall submit the sum of money required under paragraph (b) of this section and the authorized officer shall, with the approval of the U.S. Geological Survey, have the exploratory program accomplished so as to aid in determining the fair market value of the Federal mineral interests covered by the application.

(e) If the applicant requests the consent of the authorized officer to accomplish any required exploratory program by other means, at his own expense, he shall at the time of making his request for such consent, file a plan of operations to carry out any required exploratory program for approval by the authorized officer, after the authorized officer has obtained the approval of the U.S. Geological Survey. Such plan of operations shall be sufficient to provide the resource and economic data needed to aid in determining the fair market value of the Federal mineral interests to be conveyed. Said resource and economic data shall include, where appropriate, but not be limited to, geologic maps, geologic cross-sections, tables and descriptive information encompassing lithologic, geochemical, and geophysical data, assays of samples, drill logs and outcrop sections, which aid in establishing the location, nature, quantity, and grade, and which aid in determining the fair market value of the Federal mineral interests in the land covered by the application. The plan of operations shall conform to the laws, regulations and ordinances of all governmental bodies having jurisdiction over the lands covered by the application. The authorized officer shall decide within 90 days of receipt of said request whether he shall or shall not give his consent. The authorized officer shall not give his consent if he determines that the plan of operations is not adequate to supply the resource and economic data needed to aid him in determining the fair market value of the Federal mineral interests to be conveyed. If the authorized officer, in his discretion, and with the approval of the plan of operations by the U.S. Geological Survey, approves the applicant's plan of operations, the applicant may proceed to execute the plan of operations, subject to the supervision of the authorized officer and the U.S. Geological Survey. If the authorized officer does not give his consent to the applicant's request, the applicant may, within 60 days of such refusal, avail himself of the provisions of paragraph (d) of this section. Failure to deposit the required sum within the 60 day period shall void the application. All resource and economic data obtained from the approved exploratory program shall be supplied the authorized officer. The authorized officer shall supply that data needed for determination of the economic value of leasable mineral resources to the U.S. Geological Survey and that needed for determination of the economic value of locatable and saleable mineral resources to the Bureau of Land Management. The authorized officer relying upon those determinations shall determine the fair market value of the Federal mineral interests in the land covered by the application. If the authorized officer determines that the resource and economic data supplied from an approved exploratory program is not adequate to aid in determining the fair market value of the Federal mineral interests to be conveyed, he shall so notify the applicant and state what additional data is needed.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, an application may be rejected without the applicant meeting the requirements of paragraph (b) of this section if the authorized officer determines from an examination of the application or of data readily available to him relating to the land concerned that the application does not meet the requirements of the Act.

§ 2720.2 Determination that an exploratory program is not required.

(a) In instances where available data indicate that there are no known mineral values in the land covered by the application, an exploratory program shall not be required.

(b) An exploratory program shall not be required to prove the presence or absence of mineral values where the lands covered by the application are classified prospectively valuable, but such value is found to be only nominal.

§ 2720.3 Action upon determination of the fair market value of the mineral interests.

(a) Upon the authorized officer's determination that all of the requirements of the Act for conveyance of mineral interests have been met by the applicant and all actions necessary to determine the fair market value of the Federal mineral interests in land covered by the application have been completed, the authorized officer shall notify the applicant in writing of the fair market value of the Federal mineral interests, including the administrative costs involved in development of and issuance of conveyance documents, and give a full and complete statement of the costs incurred in reaching such determination including any sum due the United States or that may be unexpended from the deposit made by the applicant. If the administrative costs of determining the fair market value of the Federal mineral interests exceed the amount of the deposit required of the applicant under this subpart, he will be informed that he is required to pay the difference between the actual costs and the deposit. If the deposit exceeds the administrative costs of determining the fair market value of the Federal mineral interests, the applicant will be informed that he is entitled to a credit for or a refund of the excess. The notice shall also require that payment be made within 90 days from the date of mailing of the notice. Failure to pay the required amount within the allotted time shall constitute a withdrawal

of the application and the application will be dismissed and the case closed.

(b) Mineral rights on lands for which an exploratory program is not required under this subpart shall be conveyed upon payment of fair market value for those mineral interests and all administrative costs.

§ 2720.4 Issuance of document of conveyance.

Upon receipt of the payment required by § 2720.3 of this subpart, if any is required, the authorized officer shall issue the necessary document conveying to the applicant the mineral interests of the United States in the land covered by the application.

§ 2720.5 Appeals.

An applicant adversely affected by a decision of the authorized officer made pursuant to the provisions of this subpart shall have a right of appeal pursuant to Part 4 of this Title. Decisions of the authorized officer under this subpart shall be subject to reversal only if found to be arbitrary, capricious, and abuse of discretion or otherwise not in accordance with law.

[FR Doc. 79-341 Filed 1-3-79; 8:45 am]

federal register

THURSDAY, JANUARY 4, 1979
PART V

COUNCIL ON WAGE AND PRICE STABILITY

VOLUNTARY PAY AND PRICE STANDARDS

Interim Final Rules; Request for Comments

[3175-01-M]

Title 6—Economic Stabilization

CHAPTER VII—COUNCIL ON WAGE AND PRICE STABILITY

PART 706—SPECIAL PROCEDURAL RULES

Adoption of Interim Final Procedural Rules Relating to Voluntary Pay/Price Standards and Request for Public Comment

AGENCY: Council on Wage and Price Stability.

ACTION: Adoption of Interim Final Procedural Rules.

SUMMARY: On December 13, 1978, the Council on Wage and Price Stability issued voluntary standards for compliance with the President's anti-inflation program as an appendix to Part 705 of title 6 of the Code of Federal Regulations. These were further clarified in certain minor particulars and published in the FEDERAL REGISTER on December 28 (43 FR 60772). The procedural rules issued today, codified at Part 706, establish procedures to be used in proceedings before the Council relating to matters arising under the voluntary standards.

EFFECTIVE DATE: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter H. Lowry, General Counsel, Council on Wage and Price Stability, 726 Jackson Place NW., Washington, D.C. 20506, (202) 456-6210.

SUPPLEMENTARY INFORMATION: These procedures are to be used in proceedings before the Council on matters pertaining to the voluntary pay and price standards in Part 705 (43 FR 60772). These procedural rules are specifically authorized by Executive Order 12092 (43 FR 51375).

The rules are in seven subparts. Subpart A contains definitions and general procedural rules. Subpart B concerns the general submission of reports and notifications to the Council. There is no periodic reporting requirement, but some companies are requested to indicate their company organization for purposes of compliance as well as certain historical data.

Subpart C provides procedures for approval of requests for exceptions. Requests for exceptions may be based upon the grounds for exceptions specified in Part 705, which also form the basis for defenses to Notices of Probable Noncompliance under Subpart E. In addition, the Council will accept comments and suggestions as to additional categories of exceptions where application of the price deceleration or 7-percent pay standards in certain generic situations would cause undue hardship or gross inequity. Proposals from any person, company, or organization regarding any such exception should be accompanied by a description of how the exception would apply in its specific case.

Subpart D contains procedures for special investigations relating to the standards, and describes the Council's principal means of monitoring compliance with the standards. Subpart E provides procedures by which the Council will determine whether a particular company is in compliance with the standards. It provides for notice and an opportunity to reply. Where noncompliance is found, the Council will include the name of the company on a public list of noncomplying companies.

Subpart F contains rules for removing a company's name from the list of noncomplying companies. Finally, Subpart G provides procedures for reconsideration of initial actions of the Council under Subparts C, E and F, which include, where appropriate, a hearing.

These procedural rules ensure fairness and due process regarding the publication of names of companies that are not in compliance with the standards and provide guidance as to associated Council procedures.

The Council is adopting these rules effective immediately, without opportunity for advance public comment or the customary 30 days' notice, since, in order to avoid confusion or unfairness, it is necessary that procedures relating to matters arising under Part 705 be available at once. The Council will, however, accept public comments on these regulations, and will, on the basis of such comments, revise Part 706 as may be appropriate.

Three copies of all comments should be sent to the General Counsel at the address given above and should be received no later than January 23, 1979.

Accordingly, a new Part 706 is added to the regulations of the Council on Wage and Price Stability at Chapter VII of Title 6 of the Code of Federal Regulations.

Issued in Washington, D.C., December 30, 1978.

BARRY BOSWORTH,
Director, Council on Wage and Price Stability.

PART 706—SPECIAL PROCEDURAL RULES

Subpart A—General Provisions

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AUTHORITY: Council on Wage and Price Stability Act, Pub. L. 93-387, as amended (12 U.S.C. 1904 note); E.O. 12092.

Subpart A—General Provisions

§ 706.01 Purpose and scope.

This part establishes procedures to be used in proceedings before the Council relating to matters under the anti-inflation standards set out in the appendix to Part 705 of this chapter.

(a) Subpart A contains definitions and general procedural rules.

(b) Subpart B contains rules applicable to the submission of reports and notifications.

(c) Subpart C contains rules applicable to requests for approval of exceptions to the standards.

(d) Subpart D contains rules concerning special investigations regarding the standards.

(e) Subpart E contains rules concerning the preliminary notification by the Council of apparent cases of noncompliance, the response by companies to such notification, and the actions the Council may take if it determines that noncompliance has occurred.

(f) Subpart F contains rules for removing a company's name from the list of noncomplying companies.

(g) Subpart G contains rules applicable to requests for reconsideration.

§ 706.02 Definitions.

As used in this Part, the term:

(a) "Council" means the Council on Wage and Price Stability.

(b) "Company" has the same meaning as in the Appendix to Part 705 of his chapter.

(c) "Hearing Officer" means a person designated by the Council to conduct a hearing.

(d) "Notice of Probable Noncompliance" means a written statement issued by the Council alleging failure to adhere to the standards.

(e) "Request" means a written inquiry to the Council.

(f) "Net Sales or Revenues" is as defined in 705A-6(a)(2)(ii).

(g) "Standards" means voluntary pay/price standards set out in the appendix to Part 705 of this Chapter.

§ 706.03 Appearances before the Council.

A person may take any action permitted by this Part on his or her own behalf, or may be represented by any person whom he or she designates.

§ 706.04 Actions by the Council.

The Chairman of the Council, or his designee, is authorized to take actions for the Council under this Part.

§ 706.05 Filing of documents.

(a) Filings should be submitted in three (3) copies to the Council on Wage and Price Stability, 726 Jackson Place, N.W., Washington, D.C., unless otherwise provided in this Part. They are considered to be filed when received by the Council during regular business hours. Each submission should be plainly marked at the top of the document as to whether it is a "Report", "Request for Exception Approval—[Pay] or [Prices]," "Response to Notice of Probable Noncompliance", "Request for Reconsideration", or "Request for Removal from Noncompliance List."

(b) Filings should be signed by the Chief Executive Officer of a company, union, or other organization or by his or her designee.

§ 706.06 Computation of time.

A period of time under these standards is counted in business days (all days other than Saturdays, Sundays, and Federal Holidays), starting the first day after the Council either serves or receives a document.

§ 706.07 Service of documents.

(a) All documents served under this part are to be served personally or by U.S. mail on the person specified in these regulations or his or her designated representative.

§ 706.08 Extension of time.

If an action is required to be taken within a prescribed period of time under this Part, an extension of time will be granted only upon a showing of good cause. Requests for extension should be made in writing to the Office of the General Counsel of the Council.

§ 706.09 Consolidations.

The Council may consolidate separate matters if the consolidation will expedite the proceedings or otherwise assist the Council in carrying out its functions.

§ 706.10 Confidential material.

Confidential material submitted under these rules should be submitted in accordance with Parts 702 and 704 of this Chapter and will be afforded the confidential treatment provided therein.

Subpart B—Reports and Notifications

§ 706.20 Purpose and scope.

This part contains rules applicable to reports and notifications that are requested to be filed with the Council. There are no formal periodic reporting requirements.

§ 706.21 Company organization for purposes of compliance.

(a) Companies that had, or are part of a consolidated company that had, net sales or revenues of $250 million or more in their most recently completed fiscal year, are requested to notify the Council before February 15, 1979, of their company organizational structure for purposes of compliances during the program year (see the definition of company in Subpart 705D). That is, if an entity desires to treat individual units as separate companies for purposes of complying with the standards, the entity must identify those units. If a company is part of a consolidated company with sales in excess of $250 million, the latter is asked to provide such notification.

(b) Notification should indicate revenues of major lines of business of each separately treated company at the four-digit level of the Standard Industrial Classification System.

(c) Each consolidated company's notification of its company organizational structure should include a statement signed by the Chief Executive Officer of the consolidated company that the submission to the Council meets the specific requirements (1) thru (4) for separate company reporting, as provided in the definition of "company" in Subpart 705D. This statement should also indicate that the organizational structure reported for the consolidated company had been followed prior to October 2, 1978.

(d) Notification should include the names, addresses, and telephone numbers of the person(s) at the consolidated company and at the separate, single companies whom the Council may contact regarding compliance with the standards and regarding questions on materials submitted to the Council.

§ 706.22 Price or margin data.

(a) This section is applicable only to companies with or companies that belong to consolidated companies with, net sales or revenues of $500 million or more in their most recently completed fiscal year.

(b) Each company that is, or is part of a consolidated company that is, required to file Form 10-K reports with the Securities and Exchange Commission is requested to file copies of these reports with the Council for each of the last three fiscal years. The companies are also requested to file with the Council a copy of the Form 10-K report filed with the SEC for the fiscal year ending during the program year.

(c) Each company that is eligible for the use of one of the gross margin standards specified in Section 705C-2 and that plans to adopt this option is requested to file with the Council by February 15, 1979, the following information:

(1) for companies in food manufacturing and food processing, the base-quarter gross margin, as defined in Sections 705C-2(b) and 705C-2(d);

(2) for companies in wholesale and/or retail trade (SIC 50 thru 59), the gross margin trend and the percentage gross margin for the base year, as defined in Sections 705C-2(b) and 705C-2(c); and

(3) a brief description of the actions that the company plans to take to assure that the standards will be met as the program year progresses.

(d) Each company that is not eligible for the gross margin standard or that chooses not to adopt this option is requested to file with the Council by February 15, 1979, the base-period rate of price change and supporting documentation, including,

(1) total revenues and revenues excluded under Section 705A-3(a)-(d) and (separately) under Section 705A-3(f)-(i), in each year of the base period or (if more convenient) in the period used to calculate revenues shares for the base-period rate of price change;

(2) the revenue accounted for by products not excluded under paragraph (1), but not included in the calculation of the base-period rate of price change, in each year of the base period or (if more convenient) in the period used to calculate revenue shares for the base-period rate of price change; and

(3) a brief description of the method of calculation, including summary data on revenue and price changes for major product lines or divisions.

(e) In cases in which base-period rates of price change (or gross margin changes) cannot be calculated, the reasons should be identified.

§ 706.23 Profit margin data.

Companies included under § 706.22(a) should submit weighted profit margin data as defined in Section 705A-6(2) for the best two out of three fiscal years ended prior to October 2, 1978.

§ 706.24 Method of pay calculation.

Companies with 5,000 or more employees during any calendar quarter of the most recently completed fiscal year are requested to file with the Council by February 15, 1979, a description of the method of computation under Section 705B-4 to be used for determining pay-rate changes during the program year, for each company identified separately for purposes of compliance.

Subpart C—Requests for Approval of Exceptions

§ 706.30 Purpose and scope.

This Subpart establishes procedures by which a company or employee unit may request the Council's determination that a pay or price action is excepted from the price deceleration or the seven-percent pay standard, in accordance with Part 705.

§ 706.31 Who should request approval.

(a) Any company or employee unit that intends to apply one or more of the exceptions specified in § 706.32, to avoid appearing to the Council that it is out of compliance, must seek a determination from the Council if:

(1) It had, or is part of a consolidated company that had, net sales or revenues in excess of $500 million in its last fiscal year; or

(2) An exception to the pay standard would affect an employee unit in a company with 1,000 or more employees, or a collective-bargaining agreement covering 1,000 or more workers.

(b) The Council will accept requests for a determination that a pay or price action is consistent with the exceptions listed in § 706.32 and § 706.33 if:

(1) The company reasonably anticipates receiving a Federal government contract or contract amendment for which it must certify compliance with the standards; or

(2) The company reaches a labor settlement contingent on the Council's determination that the settlement is consistent with the exceptions to the standards.

(c) The Council may, in its discretion, undertake to make a determination in critical situations not covered by paragraphs (a) and (b) of this section.

(d) If any pay or price actions are the subject of a Notice of Probable Noncompliance in accordance with Subpart E, the affected company may assert in its defense that the exceptions in § 706.52(b)(2) are applicable.

§ 706.32 Grounds for approval for defined exceptions.

The Council will issue a determination of whether or not a specific pay or price action is consistent with the standards in those situations in which:

(a) With respect to pay—

(1) A pay-rate increase in excess of the standard is authorized by Section 705B-9 (Tandem Pay-Rate Changes);

(2) A company seeks to deduct a portion of the pay-rate change from the total pay-rate change in accordance with Section 705B-10 (Pay-Rate Increases Traded for Productivity-Improving Work-Rule Changes); or

(3) A pay-rate increase in excess of the standard is authorized by Section 705B-11 (Pay-Rate Increases Attributable to Acute Labor Shortages).

(b) With respect to prices—

(1) Compliance with the six-month limit for price increases under Section 705A-4 (Six-month Standard for Price Increases) is not required by that section; or

(2) The profit-margin limitation in Section 705A-6(a) is applicable.

§ 706.33 Determination of undue hardship or gross inequity.

(a) The Council will provide a determination that application of the standards to a *specific* situation would constitute an undue hardship or gross inequity only in those situations covered by § 706.31(b) or as part of a noncompliance proceeding under Subpart E.

(b) For purposes of this section:

(1) An undue hardship is a situation that seriously threatens the financial viability of a company, and

(2) a gross inequity is any situation that, in the Council's judgment, is manifestly unfair.

§ 706.34 Contents of the request.

(a) All requests should include:

(1) The name and address of the company or employee unit making the request, including the name(s), title(s), and phone number(s) of person(s) whom the Council may contact concerning the request, and the name and address of the consolidated company of which it is a part, if there is one;

(2) If the request involves a collective-bargaining situation, names, addresses, and phone numbers of union representatives, or names, addresses and phone numbers of relevant company officials if a request is made by an employee unit;

(3) The particular provisions of the standards that are the subject of the request;

(4) A description of the specific exceptions requested, including the pay and/or price behavior that the entity making the request proposes to adopt;

(5) Relevant supporting data as appropriate to the following exceptions:

(i) Tandem Pay-Rate Changes:

(A) Documentation of a clear leader-follower relationship between employee units, and

(B) Documentation of the value and timing of past pay-rate increases of the two employee units over the prior six years;

(ii) Pay-Rate Increases Traded for Productivity Improving Work-Rule Changes:

(A) An explanation of the productivity improving work-rule change(s), and

(B) An analysis of how the cost reduction will be generated by the work-rule change(s);

(iii) Pay-Rate Increases Attributable to Acute Labor Shortages:

(A) Documentation that vacancies, and the time required to fill them, for particular job categories have increased relative to the prior two years, and that pay rates for entry-level employees in those job categories have substantially increased over the past two years;

(B) A statement that the applicant has sought the assistance of the local Employment Service Agency to obtain employees (The Council will consult with the Employment Service to certify the validity of the claimed shortages); and

(C) Documentation as to the proportion of the company work force that would be affected (The Council will give priority consideration to those requests pertaining to job categories affecting more than 15 percent of a company's work force);

(iv) Six-month Standard for Price Increases:

the company to which the notice is issued may file a written reply disputing information in that notice, and/or raising any of the defenses specified in subparagraph (2) below. The reply may also request a conference. This request should indicate whether any confidential data may be discussed. If the Council determines that a conference is appropriate, it shall arrange one at a suitable time and location.

(2) There shall be available as a defense to any Notice of Probable Noncompliance that an increase in pay or prices in excess of the price-deceleration or the 7-percent pay standard is justified:

(i) Under Sections 705A-4, 705A-6(a), 705B-9, 705B-10, or 705B-11, or

(ii) because of undue hardship or gross inequity, as defined in § 706.33(b).

(c) If a company does not reply to a Notice of Probable Noncompliance within ten days, the company will be considered noncompliant.

(d) The Council may request comments from any person or organization concerning the notice, but the provision of such comments shall not make the person or organization a party to the proceeding.

§ 706.53 Decision.

After considering the record, which shall consist of relevant data developed by the Council and material submitted to the Council, the Council will inform the company and interested parties of its decision as to whether it has found the company to be out of compliance with the standards and of its reasons for that finding.

§ 706.54 Listing of noncomplying companies.

If the Council finds a company to be out of compliance, it shall, eleven days after its decision, place the company's name on a list of noncomplying companies. This list will be made public.

§ 706.55 Settlement.

Whenever the Council has determined that a company is out of compliance, it may consider any corrective action offered by the company which would bring the company into compliance. If the Council is satisfied that appropriate corrective action will be initiated promptly, the Council will not place the company's name on the list specified in § 706.54. Any such offer should be made no later than five days after the Council has served notice on the company of its decision under § 706.53.

Subpart F—Removal From List of Noncomplying Companies

§ 706.60 Requests for removal from list of noncomplying companies.

Any company that has been placed on a list of noncomplying companies may request the Council to remove it from the list on grounds that the company has come into compliance with the standards. Any such request should be filed with the Director. It should state the corrective action that the company has taken, and explain how that action brings the company into compliance.

§ 706.61 Decision.

The Council will advise the company within 10 days after receipt of such request, if possible, as to whether the request has been granted or denied. If granted, the removal shall be effective immediately, and a notice to that effect will be published promptly in the same manner as the publication of the list of noncomplying companies. If denied, the company may seek reconsideration in accordance with Subpart G.

Subpart G—Requests for Reconsideration

§ 706.70 General.

(a) This Subpart establishes the procedures governing reconsideration of initial actions taken under Subparts C, E, or F of this Part.

(b) A company or other entity that has participated or could have participated in a matter arising under Subparts C, E, or F of this Part, will not have exhausted its administrative remedies until it has filed a request for reconsideration under this Subpart and final action on that request has been taken by the Council.

(c) A company or other entity may request only one reconsideration with respect to any action of the Council.

(d) Any company seeking removal from the list of noncomplying companies should not file a request under this Subpart until it has first filed and the Council has ruled upon its request for removal under Subpart F of this Part.

§ 706.71 Who may request reconsideration.

(a) Any company or other entity that has or could have participated under Subparts C, E, or F of this Part may request reconsideration of the Council's action.

(b) Such a company or other entity may submit views and evidence regarding a request for reconsideration.

§ 706.72 Contents for request.

A request for reconsideration should:

(a) Contain a concise statement of the requested relief and the grounds for reconsideration; and

(b) If the request concerns a collective bargaining situation, be served upon all affected unions and employee units if filed by a company, or be served upon all relevant company officials if filed by a union or employee unit. The entity filing the request should identify the persons who have been served in accordance with this paragraph.

§ 706.73 Reconsideration.

(a) The Council will grant reconsideration of an initial action taken under Subparts C, E, or F of this Part where the request for reconsideration tends to demonstrate that:

(1) The Council's initial action was erronerous in fact or in law, or

(2) Changes in circumstances since the date of the initial action render the decision grossly unfair or inadequate.

(b) The Council will notify the parties as to whether it will reconsider the initial action.

(c) In conducting its reconsideration, the Council may consider any additional evidence that it deems relevant.

§ 706.74 Hearing on reconsideration.

(a) If the Council, in its discretion, deems that a hearing is advisable, it will, as expeditiously as possible after receiving the request for reconsideration, direct that a hearing be held before a Hearing Officer.

(b) When a hearing has been authorized, it will be conducted promptly at such time and place as the Council may direct after written notice has been served on the person or organization requesting reconsideration and the persons and organizations specified in § 706.72(b).

(c) A hearing conducted in accordance with this section may include the submission of such additional evidence and argument as the Hearing Officer permits.

(d) Within 20 days after the close of the hearing, the Hearing Officer shall submit to the Council a report and any recommendation he or she deems appropriate with respect to disposition of the request for reconsideration.

§ 706.75 Decision.

(a) Within 20 days of receipt of a request for reconsideration, or within 20 days after receipt of a Hearing Officer's report if a hearing is held, the Council shall issue a written opinion setting forth the reasons for its decision.

(b) The Council will, in whole or in part, modify an initial action under Subparts, C, E, and F where the company or other entity making the request demonstrates the items specified in § 706.73(a) (1) or (2) to the Council's satisfaction.

(A) A desecription of the seasonal pattern of price increases extending over the five years prior to the program year; or

(B) A description of the unusual business conditions that are alleged to be responsible for not complying with the Six-month Standard; and

(C) Projected data for the program year of net revenues and profits, or other means of ensuring that the pricing actions are consistent with adherence to the profit-margin limitation, as defined in Section 705A-6(a), for the program year.

(v) Profit-Margin Limitation:

(A) If a company is unable to achieve price deceleration, documentation of the extent of its price increases since the base quarter, and an explanation of the reasons that price deceleration is not achievable; and

(B) In cases in which the base-period or program-year rate of price change cannot be computed, the reasons therefore;

(vi) Undue Hardship or Gross Inequity:

(A) A description of the precise hardship or inequity that would be created;

(B) An explanation of how the requested exception would mitigate the hardship or inequity;

(C) An estimate of the effect that the exception would have on the company's prices or pay rates, as appropriate.

(b) The applicant may request a conference regarding the determination. If the Council determines that a conference is appropriate, it will contact the applicant to arrange a suitable time and location. At its discretion, the Council may also invite other interested persons to attend the conference if confidential material is not to be discussed.

(c) In the event that the information provided by the applicant is insufficient, the Council shall request from the applicant additional information. If such information is not furnished within 10 days, the request for an exception shall be denied. The Council will acknowledge receipt of all requests, and notify the applicant when the request is considered complete or has been denied for lack of information.

(d) The material included in the request pursuant to paragraph (a)(1)-(5) of this section shall not exceed ten typewritten pages, exclusive of supporting documents.

(e) Requests for approvals should be filed 20 or more days prior to the date on which the requested exception may become effective. If the pendency of the request for 20 days would itself cause hardship to the applicant, the nature of this hardship should be explained.

§ 706.35 Notice to interested parties of exception requests.

(a) The company (or employee unit) making a request for an exception to the pay standard should send a copy of the request and any subsequent amendments (or a copy from which confidential information has been deleted, provided that it is appropriately summarized) to the appropriate employee units (or company) together with the statement that the Council will accept comments regarding the request from such persons within 10 days of the Council's receipt of the request. The request filed with the Council should identify the persons and organizations served in accordance with this paragraph.

(b) The Council may serve notice on any person or organization, readily identifiable by the Council as one who could be significantly affected by granting the request, that written comments regarding the request will be accepted if filed within 10 days of service of such notice. Provision of comments to the Council does not make the person or organization providing the comments a party to the proceeding.

(c) Any such person or organization submitting written comments to the Council with respect to a request filed under this Subpart should send a copy of the comments, or a copy from which confidential information has been deleted and appropriately summarized, to the company or other entity making the request. The person or organization should certify to the Council that the requirements of this paragraph have been met. The Council may notify other persons or organizations participating in the proceedings of such comments and provide an opportunity for them to respond.

§ 706.36 Decision.

(a) Whenever feasible, the Council will issue a determination granting or denying the request within 20 days of the receipt of all information necessary to permit a determination. If more time is required for the consideration of a request, the Council will so advise the applicant and other interested parties.

(b) Determinations will be in writing, signed by the Chairman or his designee and will be served on the company or employee unit making the request, with copies to the interested parties. The Council's determinations will be published and available for public inspection and copying at the Offices of the Public Information Division.

Subpart D—Special Investigations

§ 706.40 Purpose and scope.

This Part contains rules applicable to special investigations by the Council related to the standards.

§ 706.41 Investigational policy.

(a) The Council may at its discretion conduct special investigations to examine significant price and pay increases and compliance with the standards by companies. Such investigations shall be in addition to the procedures set forth in Part 704 and in Subpart E of this Part.

(b) A special investigation may be initiated when the Council's examination of publicly available price or pay indices (e.g., the Consumer Price Index and the Wholesale Price Index) or the receipt of other information indicates the possibility of price or pay increases in excess of the respective standard for a company or in a sector of the economy.

§ 706.42 Requests for information.

The Council may request information relating to a company's specific price actions, its average price increases, and/or its pay programs, or any other information relating to compliance with the standards.

Subpart E—Determination of Noncompliance

§ 706.50 Purpose and scope.

This Subpart establishes the procedures by which the Council will determine whether companies are in compliance with the standards, as well as procedures for publicly identifying noncomplying companies.

§ 706.51 General.

When the Council has cause to believe that a company may not be in compliance with the standards, the Council may conduct proceedings to determine the nature and extent of the noncompliance.

§ 706.52 Notice and reply.

(a) The Council commences proceedings by serving a Notice of Probable Noncompliance on the company. The company should, immediately upon receipt of the notice, serve a copy on the affected unions or employee units if the alleged noncompliance relates to the pay standard, stating that such unions or employee units may file written comments with the Director within the 10-day period following the issuance of the Council's notice. In its written reply, the company is requested to identify the unions and employee units on whom it has served a copy of the notice.

(b)(1) Within 10 days of receipt of a Notice of Probable Noncompliance,

§ 706.76 Stays pending reconsideration.

A request for reconsideration within 10 days of the Council's initial finding of noncompliance will stay the placing of a company's name on a list of noncomplying companies pending the disposition of the request.

[FR Doc. 79-395 Filed 1-3-79; 12 m]

Federal Register

THURSDAY, JANUARY 4, 1979

PART VI

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

■

SURFACE COAL MINING

Reclamation and Enforcement Operations

[4310-05-M]

U.S. DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Chapter VII]

SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM

AGENCY: Office of Surface Mining proclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Notice that OSM is reopening the administrative record for the national permanent program regulations.

SUMMARY: A catalogue of all oral and written contacts between the Council of Economic Advisors (CEA), and parties outside the Executive Office of the President is being inserted in the administrative record in order that the Secretary and OSM may consult with CEA regarding the proposed rules. OSM is requesting comments on such contacts.

DATES: Comments must be received by January 22, 1979, at the addresses below by no later than 5 P.M.

ADDRESSES: Written comments must be mailed to: Office of Surface Mining, U.S. Department of the Interior, P.O. Box 7267, Benjamin Franklin Station, Washington, D.C. 20044; or be hand delivered to: Office of Surface Mining, Room 120, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Ron Drake, Special Assistant to the Director, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-5371.

SUPPLEMENTARY INFORMATION: On September 18, 1978, OSM proposed rules to implement a nationwide permanent program for the regulation of surface and underground coal mining operations by the states and the Federal Government as required by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). 43 FR 41661-41940. After receiving extensive comments, including comments from CEA, as a member of the Regulatory Analysis Review Group, the administrative record was closed on November 27, 1978.

As part of the process for review of the proposed regulations and CEA's comments thereon, the Secretary, pursuant to Executive Order 12044 and after consultation with the Executive Office of the President, and the Department of Justice, Office of Legal Counsel, has decided to consult with CEA prior to promulgation of final regulations. This will assure that the final rules now under consideration will strike the proper balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy. *See:* Section 102(f) of SMCRA.

To allow the public to participate in the informal rulemaking proceeding at this stage, OSM is reopening its administrative record to solicit and receive comments related to the nature and substance of contacts which have occurred between CEA and any parties outside the Executive Office of the President, subsequent to publication of the proposed OSM regulations on September 18, 1978. 43 FR 41661-41940. In this regard, the CEA catalogue of those contacts on the proposed rules, is available for public inspection and comment between 8:00 A.M. and 4:30 P.M. on all days during the comment period at:

Office of Surface Mining, Room 120, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

The CEA catalogue of contacts on the proposed rules is also available for public inspection between 8:00 A.M. and 4:30 P.M. on normal business days at the following Regional Offices:

OSM Region I, First Floor; Thomas Hill Building, 950 Kanawha Boulevard, East, Charleston, W. Va. 25301, (304) 342-8125.

OSM Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tenn. 37902, (615) 637-8060.

OSM Region III, Federal Building, U.S. Courthouse, 46 East Ohio Street, Indianapolis, Ind. 46204, (317) 269-2609.

OSM Region IV, 601 East 12th Street, Room 1768, Kansas City, Mo. 64116, (816) 374-5162.

OSM Region V, Post Office Building 1832, Stout Street, Denver, Colo. 80205, (303) 837-5511.

Written comments on such contacts must be received by 5 p.m. on January 22, 1979. Comments received after that hour will not be considered or included in the administrative record for this rulemaking. Portions of the catalogue duplicate information in the administrative record or present information in the administrative record in a different format. Public comments may be addressed to the substance of the information contained in the catalogue, and the relationship of the catalogue to the proposed regulations and CEA's comments received on November 27, 1978, on OSM's proposed regulations.

A meeting has been scheduled between the Department and CEA for January 5, 1979, to discuss CEA's comments in relation to the final rules contemplated by the Department. In addition, other meetings and contacts may be scheduled with CEA, as appropriate.

Dated; January 3, 1979.

JOAN DAVENPORT,
Assistant Secretary,
Energy and Minerals.

[FR Doc. 79-600 Filed 1-3-79; 3:12 pm]

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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_____	Title 41—Public Contracts and Property Management (Chapter 7)	2.75	_____

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[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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