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federal register

THURSDAY, DECEMBER 7, 1978

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CAB adopts rule on advertising disclosure of noncompliance with oversale rules; effective 1-18-79 57243

MEDICARE PROGRAM
HEW/HCFA proposes amendment on beneficiary liability for nonreimbursable services or items; comments by 2-5-79 57307

COMMUNITY REINVESTMENT ACT OF 1977
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AUTOMOBILE SALES
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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

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

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

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

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

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The continuing listing will be resumed upon enactment of the first public law for the first session of the 96th Congress, which will convene on Monday, January 15, 1978.

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rules and regulations

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

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

[3410-02-M]

Title 7—Agriculture

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

[Navel Orange Reg. 443]

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 December 8-14, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: December 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on December 5, 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 that prices for navel oranges are declining, and that demand is expected to increase as the Christmas holiday approaches.

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.

§ 907.743 Navel Orange Regulation 443.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period December 8, 1978, through December 14, 1978, are established as follows:

(1) District 1: 1,250,000 cartons;

(2) District 2: Unlimited movement;

(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: December 6, 1978.

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

[FR Doc. 78-34392 Filed 12-6-78; 12:06 pm]

[3410-02-M]

[Amdt. 4]

PART 967—CELERY GROWN IN FLORIDA

Subpart—Rules and Regulations

REVISION OF BASE QUANTITY FORMULA

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: A recent amendment of the Florida Celery Marketing Order provides for periodic review of Base Quantities and authorizes the Secretary of Agriculture to update Base Quantities by revising the formula used to determine them to reflect a more representative period of historical marketings. This rule specifies this revised formula.

EFFECTIVE DATE: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Phone: 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 149 and Order 967, both as amended, regulate the handling of celery grown in Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The amended order (42 FR 32762) provides that the Secretary will issue rules or regulations which set forth the procedures to be followed in implementing the amended provisions.

Notice of rulemaking was published in the October 10, 1978, FEDERAL REGISTER (43 FR 46549) inviting comments by November 9, 1978. None was received.

The purpose of the rule is to have Base Quantities effective for the 1979-80 season that are in accord with the current status of the industry. Active producers will be issued revised Base Quantities reflecting their recent history of celery sales. Paragraph (a) will recognize permanent transfers of Base Quantities which have occurred since December 15, 1976. It also will implement a provision of the order which specifies that a condition for the con-

tinuing validity of a Base Quantity is production of celery thereunder. Any Base Quantities not used during both the 1977-78 and 1978-79 seasons, or any subsequent two consecutive seasons, will be declared invalid and canceled at the end of the second consecutive season of nonproduction.

Paragraph (b) of the rule will result in current producers receiving revised Base Quantities which recognize any recent fresh market sales larger than the producers' Base Quantities in effect for 1978-79. It also assures that producers who marketed celery under a Base Quantity temporarily transferred to them prior to the 1974-75 season will be credited with their celery marketing history when revised Base Quantities are issued.

Paragraph (c) provides that a producer who temporarily transferred a Base Quantity prior to the 1974-75 season will have that Base Quantity reissued to him. This recognizes that the initial transfer was in accord with rules then in effect.

Findings: After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found and determined that the rules should be amended as follows:

Amend Subpart—Rules and Regulations (7 CFR 967.100-967.166) by adding a new § 967.155 to read as follows:

§ 967.155 Revised Base Quantity Formula.

As soon as practicable following the May 1, 1979, registration deadline, Base Quantities for all producers of record with the Florida Celery Committee as of December 15, 1976, shall be revised to be effective for the 1979-80 season as follows and in the order enumerated:

(a) Application of the provisions of §§ 967.37(e) and 967.39 as it pertains to permanent transfers.

(b) Selection of the highest number of crates of celery produced and shipped by or for each producer during any one of the five seasons, 1974-75 through 1978-79, or his Base Quantity for the 1978-79 season, whichever is greater: *Provided however,* No producer who produced and shipped celery during each of the five seasons, 1974-75 through 1978-79 shall lose all or any portion of his Base Quantity by the application of § 967.39 pertaining to specified period of time transfers, which were approved by the committee prior to the commencement of the 1974-75 season: *And provided further,* any new producer who is issued a Base Quantity by the committee under § 967.37(d) or by transfer after December 15, 1976, shall retain his present Base Quantity.

(c) Any producer who transferred, with approval of the committee, all or a portion of his Base Quantity for a specified period of time prior to the commencement of the 1974-75 season shall have the transferred Base Quantity reissued to him upon the expiration date of such transfer.

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

Dated December 4, 1978 to become effective January 4, 1979.

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

[FR Doc. 78-34173 Filed 12-6-78; 8:45 am]

[3410-02-M]

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for the 1978-79 Marketing Policy Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes marketing percentages for inshell filberts for the marketing policy year beginning August 1, 1978. The action is taken under the marketing order for filberts grown in Oregon and Washington to promote orderly marketing conditions.

EFFECTIVE DATES: August 1, 1978, through July 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On October 20, 1978, notice was published in the FEDERAL REGISTER (43 FR 49011) on the proposed establishment of free and restricted percentages of 50 percent and 50 percent, respectively. No comments were received. The percentages were recommended by the Filbert Control Board, which is established under the marketing agreement, and Order No. 982, both as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The percentages are based upon the following estimates by the Filbert Control Board for the 1978-79 marketing policy year:

	Tons
Inshell supply:	
(1) Total production	12,925
(2) Less substandard, etc	1,681
(3) Merchantable production	11,244
(4) Carryover Aug. 1, 1978 of merchantable filberts	58
Inshell supply:	
(5) Supply subject to regulation (Item 3 plus item 4)	11,302
Inshell requirements:	
(6) Trade demand	5,800
(7) Carryover July 31, 1979	950
(8) Total	6,750
(9) Less carryover Aug. 1, 1978 not subject to 1978-79 regulation	1,055
(10) Inshell requirements	5,695
Percentages:	
(11) Free percentage (item 10 divided by item 5)	50
(12) Restricted percentage (100 pct minus 50 pct)	50

The free percentage prescribes that portion of the total merchantable supply subject to regulation which may be handled as inshell filberts. The restricted percentage prescribes that portion which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

FINDINGS: After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that to establish this rule will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this rule until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The order requires that free and restricted percentages for a particular marketing policy year shall apply to all inshell filberts handled during that year, and this rule automatically applies to all such filberts beginning August 1, 1978.

The free and restricted percentages follow.

§ 989.228 Free and restricted percentages for merchantable filberts during the 1978-79 marketing policy year.

The free and restricted percentages for the marketing policy year beginning August 1, 1978, shall be 50 percent and 50 percent, respectively.

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

Dated: December 4, 1978.

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

[FR Doc. 78-34174 Filed 12-6-78; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-EA-98; Amdt. 39-3360]

PART 39—AIRWORTHINESS DIRECTIVES

AVCO Lycoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to AVCO Lycoming 0-235-L2C type aircraft engines equipped with 4050, 4051, 4052 and 4081 Model Slick magnetos, installed on PA-38-112 airplanes. The purpose of the replacement is to prevent engine stoppage resulting from a dual failure of the magnetos, which failures have been reported.

DATE: Effective December 8, 1978. Compliance is required as set forth in the AD.

ADDRESSES: AVCO Lycoming Service Bulletins may be acquired from the manufacturer at AVCO Lycoming Division, Williamsport, Pa. 17701.

FOR FURTHER INFORMATION CONTACT:

E. Manzi, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430; telephone 212-995-2894.

SUPPLEMENTARY INFORMATION: There had been reports of dual failures of Slick magnetos, Models 4050, 4051, 4052, and 4081 as incorporated in AVCO Lycoming engines installed in Piper PA-38-112 type airplanes. Due to the urgency of the matter, and the information available at the time, an Emergency Order of Suspension dated September 22, 1978, was issued which suspended the airworthiness certificates of all PA-38-112 airplanes. This Order was amended on October 5, 1978, to apply to only airplanes equipped with the same model magnetos with under 75 hours of operation and with serial number under 8100001. A re-evaluation of the information indicates that with higher than normal single magneto failures and their occurring after 75 hours of operation, a requirement exists to replace all such model magnetos regardless of the hours of operation, but still with a serial number under 8100001. Since this deficiency affects air safety, notice and public procedure hereon are impractical and good cause exist for making the rule effective in less than 30 days.

ADOPTION OF THE AMENDMENT

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

AVCO LYCOMING: Applies to all AVCO Lycoming Model 0-235-L2C engines installed in Piper Model PA-38-112 aircraft.

Compliance required as indicated, unless already accomplished.

To prevent engine stoppage caused by failure of condensers installed in the Slick 40xx series magnetos, comply with the following:

a. Prior to further flight, engines whose Slick 40xx series magnetos have not accumulated 75 hours of operation in a Piper Model PA-38-112 aircraft must have their Slick Models 4050, 4051, 4052, or 4081 magnetos replaced with Slick Models 4150, 4151, 4152, or 4181 magnetos respectively having serial numbers 8100001 and up, or an approved equivalent part.

b. Engines whose Slick 40xx series magnetos have accumulated 75 hours or more of operation in a Piper Model PA-38-112 aircraft must have their Slick Models 4050, 4051, 4052, or 4081 magnetos replaced with Slick Models 4150, 4151, 4152, or 4181 magnetos respectively having serial numbers 8100001 and up or an approved equivalent part within 50 hours in service after the effective date of this AD.

c. Equivalent methods of compliance may be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

d. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance time specified in paragraph (b) in this AD.

AVCO Lycoming Service Bulletin No. 432 is the subject of the AD.

Effective Date: This amendment is effective December 8, 1978.

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

Issued in Jamaica, N.Y., on November 24, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-33956 Filed 12-6-78; 8:45 am]

[4910-13-M]

[Docket No. 78-ASW-37; Amdt. 39-3359]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Helicopter Textron Model 212 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) No. 78-17-03, Amendment No. 39-3282, (Docket No. 78-ASW-37) applicable to Bell Helicopter Textron (BHT) Model 212 helicopters to exempt helicopters incorporating the improved main transmission bevel gear, P/N 204-040-701-101, from repetitive inspections and modifications specified in the AD. This exemption does not apply to helicopters incorporating main transmission bevel gear P/N 204-040-701-3. This amendment is needed because the FAA has determined that installation of the improved bevel gear, P/N 204-040-701-101, provides sufficient strength to assure airworthiness without the inspections and restrictions prescribed by this AD.

DATES: Effective November 22, 1978. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained upon request to the Service Manager, Bell Helicopter Textron, Post Office Box 482, Fort Worth, Tex. 76101. A copy of the service bulletin is contained in the Rules Docket (Room 916, 800 Independence Avenue SW., Washington, D.C. 20591), or at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. 76101.

FOR FURTHER INFORMATION CONTACT:

Wilbur F. Wells, Propulsion Section (ASW-214), Engineering and Manufacturing Branch, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 524.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment No. 39-3282 (43 FR 37680), AD 78-17-03 (Docket No. 78-SW-37) applicable to the BHT Model 212 helicopter, which currently requires removal of the rotor brake, if installed, and a 25-hour repetitive inspection of the main transmission bevel gear, P/N 204-040-701-3 or P/N 204-040-701-101. After issuing Amendment No. 39-3282, the FAA has determined that the P/N 204-040-701-101 bevel gear used in transmissions in some of these helicop-

ters is of sufficient strength that the 25-hour repetitive inspection and the requirement for removal of the rotor brake are no longer necessary. Therefore, the FAA is amending AD 78-17-03, Amendment No. 39-3282, to delete any reference to the bevel gear, P/N 204-040-701-101.

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment No. 39-3282 (43 FR 37680), AD 78-17-03, as follows:

Revise the applicability paragraph to read:

78-17-03 *Bell Helicopter Textron (BHT)*: Amendment 39-3282 (Airworthiness Docket No. 78-ASW-37). Applies to Model 212 helicopters certificated in all categories equipped with main transmission spiral bevel gear, P/N 204-040-701-3.

Revise the compliance paragraph as follows:

To minimize the possibility of failure of the input spiral bevel gear, P/N 204-040-701-3, used in the main transmission of Bell Helicopter Textron (BHT) Model 212 helicopters, accomplish the following:

Revise paragraph a.3 to read as follows:

Utilizing the opening provided by step 1 or step 2, above, inspect all 62 teeth of the main spiral bevel gear, P/N 204-040-701-3, as prescribed by paragraph 2 of Part I of BHT Service Bulletin No. 212-78-8, dated July 28, 1978, or later FAA approved revision.

Revise the service bulletin reference paragraph (following paragraph b) as follows:

BHT Service Bulletin No. 212-78-8 pertains to and provides for accomplishing the intent of this AD except that in addition, paragraph a, step 6, of this AD must also be accomplished. BHT Service Bulletin No. 212-78-12 also provides instructions and details pertinent to this AD.

This amendment becomes effective November 22, 1978.

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

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

Issued in Fort Worth, Tex., on November 22, 1978.

HENRY L. NEWMAN,
Director,
Southwest Region.

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

[FR Doc. 78-33959 Filed 12-6-78; 8:45 am]

[4910-13-M]

[Docket No. 78-SO-71; Amdt. No. 39-3361]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final Rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Lockheed Model 382 series airplanes by expanding the areas to be inspected and revising the inspection procedures. The amendment is needed because the FAA has determined that cracks may occur outside the existing areas to be inspected and that the surface finish must be mechanically removed prior to fluorescent penetrant inspection.

DATE: Effective December 8, 1978. Compliance within the next 50 hours after the effective date of this amendment unless already accomplished.

ADDRESSES: The applicable Lockheed Model 382 Service Bulletins and Lockheed Hercules Airfreighter Inspection Procedures may be obtained from the Lockheed-Georgia Company, Marietta, Georgia 30063. A copy of the inspection procedure is contained in Room 275, Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT:

Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320, telephone 404-763-7407.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39-1867, AD 74-12-06, as amended by Amendment 39-2512, which currently requires inspection of the wing at outer wing stations 153 to 162 and 198 to 207 on Lockheed Model 382 series airplanes serial numbers 3946 and 4101 through 4541. After issuing Amendment 39-2512, the FAA has determined that cracks may occur outside the existing areas to be inspected and that the surface finish must be mechanically removed prior to fluorescent penetrant inspection. Therefore, the FAA is further amending Amendment 39-1867 by requiring inspection of the wing beam on Lockheed Model 382 series airplanes.

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39-1867, AD 74-12-06, as amended by Amendment 39-2512 as follows:

Revise paragraph (c) to read:

(c) Inspect outer wing lower forward beam cap, web, and skin for cracks in the area extending from outer wing stations 144 to 165 and 195 to 214, both left and right in accordance with Lockheed Hercules Airfreighter Inspection Procedures, SMP 515-A, Card SP-75, revised October 15, 1978, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

Revise paragraph (d) to read:

(d) Repair of the beam cap shall be in accordance with Lockheed Service Bulletin A382-169, Revision 7, and repair of the beam web in accordance with SMP 583, Lockheed Hercules Structural Repair Manual, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

Revise paragraph (e) to read:

(e) Before the accumulation of 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382-152, Revision 2, and Alert Service Bulletin A382-169, Revision 7, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

Revise paragraph (f) to read:

(f) Recurring inspections shall be performed in accordance with the following:

(1) Recurring inspections for unmodified airplanes will be in accordance with paragraphs (a), (b) and (c) of this amendment.

(2) Recurring inspections for airplanes with preventive modifications shall be in accordance with Lockheed Airfreighter Inspection Procedures, SMP 515-A, Card SP-75, revised October 15, 1978, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, and a detailed visual inspection of the front beam lower cap and adjacent structure including modifications across the entire length of the outer wing dry bays from outer wing stations 144 to 214 at each "C" check.

(3) In addition to the recurring inspections of paragraphs (f)(1) and (f)(2), recurring inspections for airplanes with repairs shall be a detailed visual inspection of the front beam lower cap and adjacent struc-

ture, including repairs, across the entire length of the outer wing dry bays from outer wing stations 144 to 214 at each "C" check.

Revise paragraph (g) to read:

(g) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, may adjust the repetitive inspection intervals specified in this amendment to permit compliance at an established inspection period of the operator if the request contains substantiating data to justifiy the increase for such operator.

Add paragraph (h) to read:

(h) Airplanes may be flown to a base for performance of the inspections required by this amendment in accordance with Federal Aviation Regulations 21.197 and 21.199.

Add paragraph (i) to read:

(i) Report inspection findings to Chief, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320.

Delete last paragraph.

This amendment becomes effective December 8, 1978.

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

Issued in East Point, Ga., on November 28, 1978.

GEORGE R. LA CAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-34126 Filed 12-6-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-NW-7]

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

Alteration of Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment enlarges the Omak, Wash., control area, and will aid air traffic control by improving the flow control procedures associated with aircraft arriving/departing the Seattle and spokane, Wash., areas.

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:

HISTORY

On October 23, 1978, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to enlarge the southern portion of the Omak, Wash., Control Area with a base altitude of 4,500 feet MSL (43 FR 49312). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Two comments were received but neither stated an objection to the proposal. This amendment is the same as that proposed in the notice. Section 71.163 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 348).

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations enlarges the southern portion of the Omak, Wash., control area and establishes a base altitude at 4,500 feet MSL. Also, the present 5,500 feet MSL base altitude of the northern portion of this control area is reduced to 4,500 MSL. This additional control area will permit more expeditious flow of traffic and allow additional flexibility in the application of minimum vectoring altitudes in the Spokane, Wash., and Seattle, Wash., terminal areas. The existing portion of the Omak control area that extends to the United States/Canadian border has a base of 8,500 feet MSL and is not changed in this amendment.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart E of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 348) is amended, effective 0901 G.m.t., February 22, 1979, as follows:

In § 71.163, Omak, Wash.

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

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 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 as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on November 30, 1978.

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

[FR Doc. 78-34125 Filed 12-6-78; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-1084, Amdt. 12; Docket No. 33348]

PART 250—OVERSALES

Advertising Disclosure of Noncompliance With Oversale Rules; Postponement of effective date

AGENCY: Civil Aeronautics Board.

ACTION: Postponement of Effective Date.

SUMMARY: The Board has adopted a rule requiring every carrier operating in foreign air transportation that has not filed a tariff implementing the Board's denied boarding rules to state in its advertisements that it is not following U.S. Government rules for consumer protection on oversold flights. By this rule, the Board is postponing the effective date of the rule until January 18, 1979.

DATES: Effective: The new effective date for ER-1078 is January 18, 1979. Adopted: December 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428, (202) 673-5442.

SUPPLEMENTARY INFORMATION: By ER-1078 (43 FR 50164, October 27, 1978) the Board amended its regulations on overbooking to require every carrier operating in foreign air transportation that has not filed a tariff implementing these regulations to state in its advertisements that it is not following U.S. Government rules for consumer protection on oversold flights. In response to a petition for stay filed jointly by Air Canada, Canadian Pacific, Lufthansa, Swiss Air and Swiss Air Transport, the Board by Order 78-11-31 (43 FR 53028, November 15, 1978) stayed the effectiveness of ER-1078 until December 18, 1979,

stating its intention to reexamine the rule, and to decide what action, if any, to take.

In a letter dated November 20, 1978, placed in the docket and served on all parties, the attorney for the petitioning carriers asked the Board to continue the stay *pendente lite*, as requested in their original petition. The carriers argue that ER-1078 would involve substantial burdens and competitive harm to them, and that the Court of Appeals will not have acted on their Petition for Review of the rule by expiration of the Board's current stay, expiring December 18, 1978.[1]

The Board intends to reexamine ER-1078 at its public meeting during the week of December 4, 1978. In order to provide the carriers sufficient time to comply, or take any other action, in response to the Board's decision at this meeting, the effectiveness of ER-1078 is extended an additional 30 days.

Accordingly, the effective date of ER-1078 (43 FR 50164, October 27, 1978), amending Part 250 of the Board's Economic Regulations (14 CFR Part 250), is changed to January 18, 1979.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324(a).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-34193 Filed 12-6-78; 8:45 am]

[1] *Air Canada, et al* v. *C.A.B.* (CADC Case Nos. 78-2073, 78-2143).

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER G-RULES, REGULATIONS, STATEMENTS AND INTERPRETATIONS UNDER THE MAGNUSON-MOSS WARRANTY ACT

SERVICE CONTRACTS AND IMPLIED WARRANTIES

Section 108 of the Act; Advisory Opinion

AGENCY: Federal Trade Commission.

ACTION: Advisory opinion.

SUMMARY: The Federal Trade Commission issues an advisory opinion that relates to service contracts and implied warranties. The Commission states that Section 108 of the Magnuson-Moss Warranty Act prohibits a proposed course of action whereby automobile dealers entering into service contracts with vehicle purchasers at the time of sale seek to limit the duration of implied warranties therein.

DATE: Effective December 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Karp, Attorney, Division of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-523-1753.

SUPPLEMENTARY INFORMATION: By letter of October 4th and 18th, 1978, the firm of Rain, Harrell, Emery, Young and Doke requested on behalf of their clients, automobile dealers who enter into service contracts with vehicle purchasers at the time of sale, an opinion as to whether Section 108 of the Magnuson-Moss Warranty Act would prohibit limiting the duration of implied warranties to the duration of the service contract.

The Commission responded to the request as follows:

CATHLEEN CHANDLER STEVENSON, Esq.
Rain, Harrell, Emery, Young and Doke, Republic National Bank Tower, Dallas, Texas 75201

DEAR MRS. STEVENSON: This is in response to your letters of October 4th and 18th, 1978 requesting an advisory opinion as to whether Section 108 of the Magnuson-Moss Warranty Act, 15 U.S.C. 2308, would prohibit a proposed course of action for your clients. Your clients, automobile dealers who enter into service contracts with vehicle purchasers at the time of sale, propose to limit the duration of implied warranties to the duration of the service contract.

Section 108(a) of the Act flatly prohibits any modification of implied warranties by a supplier when a full warranty is offered or a service contract is entered into. This section states:

> No supplier may disclaim or modify (except as provided in subsection (b)) any implied warranty to a consumer with respect to such consumer product if (1) such supplier makes any written warranty to the consumer with respect to such consumer product, or (2) at the time of sale, or within 90 days thereafter, such supplier enters into a service contract with the consumer which applies to such consumer product.

Section 108(b) of the Act creates an exception to the general rule in Section 108(a) in the following manner:

> For purposes of the title (other than section 104(a)(2)), implied warranties may be limited in duration to the duration of a written warranty of reasonable duration, if such limitation is conscionable and is set forth in clear and unmistakable language and prominently displayed on the face of the warranty.

The exception in Section 108(b) does not refer, however, to service contracts or provide for the limitation of implied warranties in service contracts. In fact, the provision specifically requires that any permitted limitation of implied warranties be "prominently displayed *on the face of the warranty*" (emphasis added). Had Congress intended the exception to apply to service contracts as well, Section 108(b) would read ". . . prominently displayed on the face of the warranty or service contract." Further, there is no other section of the Act that could be interpreted to allow the course of action you have proposed.

Section 108(b) would thus not except the proposed course of action from the general prohibition against disclaimer or limitation of implied warranties in Section 108(a) of the Act.

By direction of the Commission dated November 17, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-34144 Filed 12-6-78; 8:45 am]

[6355-01-M]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

Amendment to Standard Exempting Certain Decorative Glazing Materials

AGENCY: Consumer Product Safety Commission.

ACTION: Final amendment to rule.

SUMMARY: In this document, the Commission amends the Safety Standard For Architectural Glazing Materials to exempt from its coverage carved glass, dalle glass, and leaded glass, if those materials are incorporated into doors or glazed panels covered by the standard for decorative or artistic purposes. The exemption is issued because these glazing materials have an aesthetic and artistic value but are unable to meet the requirements of the standard; acceptable substitute glazing is not available; and any risk of injury is mitigated by the visibility of the glass. The Commission in this document also lifts the stay of the standard it issued for faceted, patinaed, and leaded glass which has been ineffect pending action on this amendment.

DATES: The exemption for carved glass, dalle glass, and leaded glass incorporated into doors or glazed panels covered by the standard for decorative or artistic purposes is effective on December 7, 1978. The stay of the standard for faceted glass and leaded glass is lifted effective December 7, 1978. The stay of the standard for "patinaed

glass" is lifted effective January 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Allen Brauninger, Directorate of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6629.

SUPPLEMENTARY INFORMATION: On January 6, 1977, the Consumer Product Safety Commission issued the Safety Standard for Architectural Glazing Materials to eliminate or reduce unreasonable risks of injury associated with architectural glazing materials and products incorporating those materials (42 FR 1428 (16 CFR 1201). The standard prescribes tests to insure that glazing materials used in certain architectural products either do not break when impacted with a specified energy, or break with such characteristics that they are less likely to present an unreasonable risk of injury. The standard became effective on July 6, 1977.

Provisions of § 1201.1(c) of the standard, as issued on January 6, 1977, exempted six items of glazing materials from its requirements. The only decorative glazing materials exempted by § 1201.1(c) were:

"Leaded glass panels where no individual piece of glass has an area greater than 30 square inches."

The term "leaded glass" is defined in the standard at § 1201.2(a)(14) to mean:

* * * a decorative composite glazing material made of individual pieces of glass whose circumference is enclosed by lengths of durable metal such as lead or zinc and the pieces of glass are completely held together and supported by such metal."

On April 20, 1977, the Stained Glass Association of America (SGAA), petitioned the Commission under section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) to amend the standard to exempt other decorative glazing materials. The petition was designated CP 77-12.

On June 21, 1977, SGAA requested the Commission to stay the standard as it applied to the products described in the petition *i.e.* patinaed, leaded and faceted glass. SGAA stated that decorative glazing materials of the types described in its petition could not be manufactured to conform to the standard, were used for decorative and artistic purposes, and were produced in extremely limited quantities. SGAA also argued that the standard effectively eliminated all of its products from use in glazed panels and decorative glass as an art form. After considering SGAA's arguments and reviewing information obtained by its staff, the Commission on June 30, 1977 issued an order to stay the standard, pending action on the petition, for "faceted glass", "patinaed glass" and "leaded glass", as those terms were defined in the order when those materials are used in doors, storm doors, and glazed panels having no individual piece of glazing material greater than nine square feet in area, provided certain specified criteria were met. Notice of the stay of the standard was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40188).

Discussion between the Commission staff and SGAA on the petition, after the Commission issued its stay of enforcement, disclosed that although the stay of enforcement did not include carved or etched glass, the same considerations which led to the stay of enforcement would support an exemption for carved or etched glass. Those discussion also indicated that "patinaed glass" was almost always used as a component of leaded glass panels, and generally did not constitute a separate category of decorative glazing material.

In the FEDERAL REGISTER of March 15, 1978, the Commission proposed an amendment to the standard. The proposal applied to "carved glass", "faceted glass" and "leaded glass"[1] that met the following criteria:

1. The coloring, texturing, or other design qualities or components of the glazing material cannot be removed without destroying the material; and
2. The primary purpose of such glazing is decorative or artistic; and
3. The glazing material is conspicuously colored or textured so as to be plainly visible and plainly identifiable as aesthetic or decorative rather than functional (other than for the purpose of admitting or controlling admission of light components or heat and cold); and
4. The glazing material, or assembly into which it is incorporated, is divided into segments by conspicuous and plainly visible lines.

After consideration of the injury information associated with these products, the aesthetic characteristics of the decorative glazing materials, and technical problems of producing decorative glazing materials which comply with the standard, the Commission proposed an exemption for carved, faceted, and leaded glass used in doors and glazed panels without regard to their size. The amendment, as proposed, would not exempt any decorative materials used in any storm door, sliding glass door (patio type), bathtub door and enclosure, or shower door and enclosure from the requirements of the standard.

[1]Because "patinaed glass" is used as a component of leaded glass panels, the March 15, 1978 proposal did not refer to "patinaed glass" as a separate category of glazing material.

The basis for the proposed amendment was that only small quantities of glazing were covered by the amendment, any risk of injury was mitigated by the visibility of decorative glass, substitute glazing that complied with the standard generally was not available, and not granting an exemption would reduce aesthetic qualities of the products with a resulting loss of consumer utility. These reasons are discussed in more detail in the proposal.

COMMENTS RECEIVED

Nine comments were received in response to the proposed amendment. All commenters expressed general approval of the proposal to remove certain decorative glazing materials from the requirements of the standard.

A comment from a manufacturer of decorative glazing materials stated that the exemption for "leaded glass" should be broadened to include copper-foil panels. This comment states that copper-foil panels have the same physical properties as panels of leaded glass. The petitioner has informed the Commission that "copper-foil panels" consist of individual pieces of glass which are edged with copper-foil and soldered together so that each piece of glass is completely surrounded and supported by metal.

The proposed amendment defined the term "leaded glass" as "a decorative composite glazing material made of individual pieces of glass * * * enclosed by lengths of durable metal such as lead or zinc * * *." Lead and zinc are only examples of durable metal that must enclose the glazing. Thus, "copper-foil" panels meet the definition of "leaded glass" contained in proposed § 1201.2(a)(14). However, to express the intent of the Commission more clearly and to respond to the comment under consideration, the definition of leaded glass in § 1201.2(a)(14) of the amendments issued below has been revised to state that "leaded glass" means a decorative material consisting of individual pieces of glass "enclosed by lengths of durable metal such as lead, zinc, copper, or solder * * *."

The same comment states that dalle glass, or dalle de verre, should be added to the types of decorative glazing materials exempted from the standard because it consists of pieces of glass approximately one-half inch thick or thicker which are embedded in epoxy cement, and are therefore unlikely to break on human impact.

The types of decorative glazing materials which were to be exempted from the requirements of the standard by the proposed amendment included "faceted glass." That material was defined by proposed § 1201.2(a)(37) to mean:

a decorative composition glazing material made of individual pieces of glass which are imbedded in a cast matrix of concrete or epoxy.

The definition of "faceted glass" set forth in the proposed amendment appears to encompass dalle glass as described by the comment under consideration. However, the petitioner has informed the Commission that "faceted glass" is a particular kind of "dalle glass" consisting of individual pieces of glass from which the edges have been chipped to create facets in the glass.

When the Commission proposed the amendment to broaden the categories of decorative glazing materials exempted from the standard, it intended to include any composite decorative glazing material described in proposed § 1201.2(a)(37). To express this intent more clearly and to respond to the comment under consideration, in the final amendment the term "dalle glass" has been substituted for the term "faceted glass" in § 1201.1(c)(4) as proposed; and § 1201.2(a)(37) of the amendment as proposed has been revised to read as follows:

(37) "Dalle glass" or dalle de verre (including faceted glass) means a decorative composite glazing material made of individual pieces of glass which are imbedded in a cast matrix of concrete or epoxy.

Two comments urge elimination of language in the proposal that requires decorative glazing material to be divided into segments by conspicuous lines in order to be exempted from the standard.

The Commission proposed the amendment to broaden the categories of decorative glazing material exempted from the requirements of the standard because of recognition that certain decorative glazing materials not falling within the definition of leaded glass are sufficiently similar to leaded glass such that the absence of an exemption for these other decorative glazing materials might be unfair. For example, certain panels of faceted glass were not exempted from the standard as issued on January 6, 1977, only because the individual pieces of glass were held together by cement or epoxy rather than by metal. Aside from this difference, faceted glass and carved glass, like leaded glass, require large amounts of highly skilled labor in their production, are produced in relatively small quantities, and are used principally for aesthetic purposes, thereby limiting consumer exposure to the glazing material and the resultant risk of injury from breakage by accidental impact.

Eliminating the requirement that the glazing material be divided into segments by conspicuous lines in order to come under the exemption, as urged by the coments under consideration, would broaden the categories of exempted materials and products to include some which do not share the characteristics described above, and would significantly increase the quantities of noncomplying materials to which consumers would be exposed. Further, it has not been shown that manufacture of this broader category of glazing material (i.e., materials not divided into segments by conspicuous lines) would be eliminated or otherwise seriously affected by a requirement to comply with the standard. Therefore, the Commission declines to expand the scope of the exemption as requested by these comments.

Two comments suggest a further expansion of the proposal to include opalescent glass, used as a separate category of glazing materials, within the category of material exempt from the requirements of the standard. The proposed amendment to the standard exempting decorative glass applied to three specified types of decorative glass. Opalescent glass used as a separate category of glazing material was not included in the proposal and therefore, interested persons were not given an opportunity to comment on the question of an exemption. Expanding the final amendment to include opalescent glass, as suggested by the comments under consideration, would significantly alter the scope of the amendment without giving interested persons an opportunity to comment, as is required by the Administrative Procedure Act. For this reason, the Commission declines to expand the scope of the exemption.

ENVIRONMENTAL CONSIDERATIONS

The CPSC's interim environmental review procedures, 16 CFR 1021.5 provide that an environmental review is generally not required for amendments to an existing standard that do not alter the principal purpose or effect of the standard. The amendments below would not alter the principal purpose or effect of the standard for architectural glazing materials. Rather, they allow manufacturers to use additional types of glazing materials in specified architectural products. The Commission does not forsee any environmental effects from the issuance of the amendments which would necessitate an environmental review. Consequently, preparation of a draft environmental impact statement is unnecessary.

EFFECTIVE DATE

5 U.S.C. 553(d) provides that a rule which relieves a restriction or grants an exemption may take effect immediately. Because the amendments would grant an exemption, the Commission believes the amendment should take effect upon publication of a final amendment in the FEDERAL REGISTER.

In issuing this final amendment to the glazing standard, the Commission also is lifting the stay of the standard issued on June 30, 1977 and published in the FEDERAL REGISTER of August 9, 1977. The lifting of the stay will not affect leaded or faceted glass which will be exempt from the standard under the amendment. Patinaed glass, however, is exempt only to the extent that it is used in leaded glass and would not be exempt from the standard as an individual category of glass as it was under the stay order. Because of this different treatment of patinaed glass, the Commission is providing in the amendment that patinaed glass manufactured during the period of the stay may by sold without restriction; and it may be incorporated into architectural products subject to the standard and those products may be sold without restriction. It is also providing that the stay of the standard for patinaed glass is lifted January 8, 1979, in order to give manufacturers of patinaed glass notice of the Commission's action. It is the Commission's understanding that patinaed glass is used almost exclusively in leaded glass and thus it is unlikely that consumers will be exposed to a greater risk of injury from patinaed glass used as an individual piece of glazing material.

The Commission concludes that the standard should be amended as set forth below. Therefore pursuant to provisions of the Consumer Product Safety Act (sec. 9(e)), Pub. L. 92-583, 86 Stat. 1215; 15 U.S.C. 2058(e); and 5 U.S.C. 553, the Commission amends the Safety Standard for Architectural Glazing Materials by adding new §§ 1201.2(a) (36) and (37), and § 1201.7(h), and by revising § 1201.1(c)(4) and § 1201.2(a)(14), as follows:

§ 1201.1 Scope, application, and findings.

* * * * *

(c) *Exemptions.* The following products, materials, and uses are exempt from this Part 1201:

* * * * *

(4) Carved glass (as defined in § 1201.2(a)(36)), dalle glass (as defined in § 1201.2(a)(37)), or leaded glass (as defined in § 1201.2(a)(14)), which is used in doors and glazed panels (as defined in §§ 1201.2(a)(7) and (a)(10)) if the glazing material meets all of the following criteria:

(i) The coloring, texturing, or other design qualities or components of the glazing material cannot be removed without destroying the material; and

(ii) The primary purpose of such glazing is decorative or artistic; and

(iii) The glazing material is conspicuously colored or textured so as to be plainly visible and plainly identifiable as aesthetic or decorative rather than functional (other than for the purpose of admitting or controlling admission of light components or heat and cold); and

(iv) The glazing material, or assembly into which it is incorporated, is divided into segments by conspicuous and plainly visible lines.

* * * * *

§ 1201.2 Definitions.

(a) As used in this Part 1201:

* * * * *

(14) "Leaded glass" means a decorative composite glazing material made of individual pieces of glass whose perimeter is enclosed by lengths of durable metal such as lead, zinc, copper, or solder, and the pieces of glass are completely held together and supported by such metal. Such pieces of glass can be clear, colored, beveled, painted, or flashed and etched.

* * * * *

(36) "Carved glass" means a decorative glazing material in which a permanent visible design has been produced by polishing, grinding, or otherwise removing portions of the surface.

(37) "Dalle glass" or dalle de verre (including faceted glass) means a decorative composite glazing material made of individual pieces of glass which are imbedded in a cast matrix of concrete or epoxy.

* * * * *

§ 1201.7 Effective date.

* * * * *

(h) Patinaed glass manufactured between July 6, 1977 and January 8, 1979, in accordance with the Commission's stay order published in the FEDERAL REGISTER of August 9, 1977 (42 FR 40188), may be sold without restriction. Architectural products incorporating such glazing may also be sold without restriction.

Effective date. The amendments issued herein shall become effective on December 7, 1978.

The lifting of the stay of the standard as it applies to patinaed glass shall become effective on January 8, 1979.

Dated: December 1, 1978.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc. 78-34177 Filed 12-6-78; 8:45 am]

[6740-02-M]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY

[Docket No. RM79-7]

PART 154—RATE SCHEDULES AND TARIFFS

Final Regulation Allowing Jurisdictional Pipelines with a PGA Clause in Effect on January 1, 1979, Which Includes a Deferred Account, to Include in Their PGA Tariffs, One Time, Certain Estimated Changes in Purchased Gas Cost Due to Implementing the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule.

SUMMARY: This final rule allows jurisdictional pipelines to waive for one time that provision of the purchased gas adjustment provision (PGA clause) which limits calculation of the surcharge component of the PGA rates to amounts actually reflected in the deferred account. As a result pipelines with a PGA clause in effect on January 1, 1979 may include in their first PGA rate adjustments effective in 1979. Those costs they estimate they have incurred because of the Natural Gas Policy Act (NGPA) but which have not yet been reflected in their deferred account. The relief granted on this regulation is not available to a pipeline which has a PGA clause which does not contain a deferred account.

EFFECTIVE DATE: December 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mary Jane Reynolds, Office of the General Counsel, Federal Energy Regulatory Commission 825 North Capitol Street, N.E., Washington, D.C. 275-4283.

BACKGROUND

The Natural Gas Policy Act of 1978 ("NGPA") enacted November 9, 1978, takes effect with respect to certain first sales of natural gas delivered on or after December 1, 1978. The staff of the Federal Energy Regulatory Commission (Commission) has conducted an evaluation of the new Act and has made a preliminary estimate that potentially the first year impact of NGPA on interstate pipelines could be as much as $1.7 billion.

The impact of producer price increases resulting from Opinion No. 770-A [1] was at least equivalent to that expected from the NGPA. In Opinion No. 770-A, as well as Opinion No. 699-H [2] which provided for substantial increases in producer prices, the Commission allowed the pipelines special relief to recover the increased costs.

On November 13, 1978, the Interstate Natural Gas Association of America ("INGAA"), in conjunction with its comments on the proposed regulations implementing the NGPA, Docket No. RM79-3, proposed that the Commission permit a special one-time "tracker" to enable interstate pipelines to recover the increased costs associated with NGPA prices. On November 16, 1978, Texas Gas Transmission Corporation ("Texas Gas") [3] proposed a modification of INGAA's special one-time tracker.

The Commission has determined that some special relief is necessary to avoid an undue and adverse impact upon interstate pipelines because of the NGPA. It has considered several possibilities including the INGAA and Texas Gas proposals and the special relief allowed in Opinions 699-H and 770-A. The Commission has adopted a more limited form of relief than those proposed by INGAA and Texas Gas.

It is granting relief similar to that granted by the Federal Power Commission (FPC) in Opinion No. 770-A, with two modifications. In Opinion No. 770-A the Federal Power Commission permitted the pipeline industry a special PGA adjustment, effective December 1, 1976, that allowed the industry to reflect in their current cost of purchased gas price changes based on gas prices in effect in December 1, as well as a twelve-month surcharge to recover increased costs attributable to the opinion that had actually occurred and were estimated to occur during the period from July 27, 1976, through November 30, 1976. The first modification changes the length of the special surcharge period from twelve months to six months. The second modification changes the effective date from a single date for all companies with PGA clauses to each pipeline company's first regularly scheduled 1979 semi-annual anniversary date.

DISCUSSION

A. THE REGULATION ADOPTED

Under existing practices, the PGA rate adjustment is composed of two

[1] Opinion No. 770-A was issued on November 5, 1976, in Docket No. RM75-14.

[2] 52 FPC 1604 (1974).

[3] Transcontinental Gas Pipe Line Corporation joined in the filing with Texas Gas.

parts: a current adjustment and a surcharge. The current adjustment reflects the prices the pipelines will pay suppliers as of the proposed effective date of the PGA rate adjustment. The surcharge reflects actual amounts included in the deferred account. By the amendment adopted in this order, each pipeline company with a PGA clause in effect on January 1, 1979, which, includes a deferred account, may estimate the impact of the NGPA from December 1, 1978, up to its first regularly scheduled PGA rate adjustment date in 1979. However, for those months for which the pipeline has actual costs reflected in its deferred account, no estimate may be made because NGPA costs will be reflected in the deferred account. This amount may be added to the actual amount in the pipeline's deferred account for purposes of calculating the pipeline's first PGA surcharge rate adjustment to be effective on or after January 1, 1979.

Those companies which have PGA tariff sheets on file with an adjustment date of January 1 may at their option, include the special relief adjustment allowed for NGPA costs either (1) in the PGA rate adjustments to become effective on January 1, 1979 or (2) in their first PGA rate adjustments filed on or after January 1, 1979. Those pipelines which choose to include this special relief in their PGA rate adjustments to be effective on January 1, 1979 shall make an amended PGA rate adjustment filing with a proposed effective date of January 1, 1979. The amended rate filing shall be made as promptly as possible; but no later than December 15, 1978. The notice requirements of § 154.38(d)(4)(v) and the notice provisions of the pipelines' PGA clause tariff provisions are waived for this filing.

The special relief granted herein waive certain provisions in the PGA clause. As a result, it will apply only to those companies which elect [4] to use the PGA option, which include a deferred account, to recover all changes in purchased gas cost for the three year period commencing on January 1, 1979. Companies which have elected the non-PGA option must recover all changes in purchased gas costs, including those due to the impact of NGPA, in general section 4 rate filings pursuant to § 154.63.

The PGA provisions only allow for recovery of actual amounts reflected in the deferred account (Account 191).[5] The effect of this provision is that the PGA surcharge would not include or recover amounts attributable to the NGPA up to 90 days prior to the effective date of the surcharge adjustment. Thus increases in flowing gas supplies attributable to the NGPA and incurred by pipelines within up to 90 days before the filing of a PGA rate adjustment would have to be carried by the pipeline until its succeeding PGA rate adjustment absent some form of relief. However, this understates the problem, because Order No. 13 specifies semi-annual filing dates for PGA tariff adjustments. Thus pipelines with PGA clause adjustments effective by operation of Order No. 13 on or before March 1, 1979 would not be able to reflect in their proposed surcharge adjustments any changes in purchased gas costs attributable to the NGPA until as late as September 1979. Thus they would be carrying these NGPA costs for as long as nine months before the normal operation of the PGA clause would allow any recovery whatsoever of statutorily allowed increased purchased gas costs. This situation could cause hardship to some pipeline companies.

The Commission believes the special relief granted herein is an effective way to minimize the time that companies would be required to carry amounts attributable to NGPA in their deferred accounts. It also minimizes finance charges which would have been attributable solely to deferring collection of NGPA costs. By limiting the estimates to events occurring before the effective date of the PGA tariff adjustment, this method avoids the difficulties inherent in projecting future occurrences.

In sum, the Commission believes the amendment, in conjunction with the operation of Order No. 13 provides for a more orderly and gradual flowthrough of changes in purchased gas costs due to NGPA than would result if any of the other options discussed (*infra*) in this order were adopted.

B. OTHER OPTIONS WERE CONSIDERED

The proposals presented by INGAA [6] and Texas Gas [7] are very similar. Under INGAA's proposal, interstate pipelines with an effective PGA clause would be permitted a one-time adjustment, effective January 1, 1979, that would recover, through a surcharge, estimated increased purchased gas costs contributable to the NGPA of 1978 from December 1, 1978 to their next regularly scheduled semi-annual PGA anniversary date. Texas Gas proposes to modify the above proposal by giving interstate pipelines the option of delaying their one-time tracker until their first regularly scheduled semi-annual PGA anniversary date subsequent to January 1, 1979. Texas Gas' proposal is based upon a surcharge that would recover increased purchased gas costs attributable to the NGPA of 1978 from December 1, 1978 to their second regularly scheduled semi-annual PGA anniversary date subsequent to January 1, 1979.

Pacific Gas & Electric Company (PG&E) urged that the Commission deny the request by INGAA and suggested that the cost increases resulting from the implementation of NGPA should continue to be accumulated by the interstate pipeline companies and recovered at the time of their regularly scheduled PGA change date.[8] PG&E noted that Order No. 13 authorizes carrying charges on deferred balances in Account 191, which ameliorates the burden upon interstate pipelines.

Both the INGAA and Texas Gas proposals would permit the pipelines to estimate future changes in gas costs for as much as six months subsequent to the adjustment date. The Commission finds the use of such estimates undesirable because of the uncertainty involved in making estimates of future gas prices under the NGPA. For example, the pipelines would be required to estimate not only the volume of new supplies, but also when filings for determinations would be made and when the determination of the proper classification of gas that would be made by state regulatory agencies. The pipelines would also be required to estimate future inflation adjustment factors which are a function of future economic conditions of the national economy.

In Opinion No. 699-H the Federal Power Commission granted interstate pipelines with effective PGA clauses relief through a special one-time adjustment of their current cost of purchased gas on a specified date for the industry.

In Opinion No. 770-A the Federal Power Commission granted interstate pipelines with effective PGA clauses relief through a special one-time adjustment of their current cost of purchased gas, plus a twelve-month surcharge, with interest, that would recover estimated increased purchased gas costs attributable to Opinion No. 770-A that occurred during the period from July 27, 1976, through November 30, 1976. The industry was permitted to effectuate these adjustments on December 1, 1976.

The special relief in Opinion Nos. 699-H and 770-A as well as the INGAA

[4] Order No. 16, issued November 27, 1978, in Docket No. RM79-1, requires each pipeline to elect for three year periods whether to recover changes in purchased gas costs through a PGA clause or through general section 4 rate filings.

[5] See CFR § 154.38(d)(4)(iv)(*d*).

[6] Natural Gas Pipeline Company and El Paso Natural Gas Company support the INGAA proposal.

[7] The Texas Gas proposal is supported by Transcontinental Gas Pipe Line Corporation.

[8] PG&E's proposal would result in the normal operation of the PGA absent any special relief. The effects of this have been discussed previously.

proposal would cause multiple filings and a virtually immediate increase in all rates of a pipeline to its customers which would flow through the increase to the consumer. The numerous filings would impose a substantial administrative burden of the type which the Commission specifically addressed and alleviated by Order Nos. 13 and 16. Moreover, the importance of immediate passthrough of all NGPA costs by all pipelines has been lessened by the recently adopted Order No. 13 which permits carrying charges. Equally significant in rejecting the historic approach which would allow all pipelines to increase their rates simultaneously is the more abrupt increase in costs to the ultimate consumer and the impact this would have on the economy as a whole.

FINDINGS

(1) For the reasons set forth, the Commission finds that it is appropriate and in the public interest in administering the Natural Gas Act to adopt this amendment;

(2) For good cause as more fully described herein, the Commission finds that notice and comment upon the amendment are impracticable and contrary to the public interest;

(3) In view of the purposes, intent and effect of the amendment, good cause exists for making it effective immediately.

(Natural Gas Act (15 U.S.C. 55), Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*), and E. O. 12009, 42 FR 46267.)

CONCLUSION

In consideration of the foregoing, Part 154, Chapter I of Title 18, code of Federal Regulations, is amended as set forth below, effective immediately.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

1. Section 154.38 is amended in paragraph (4) of paragraph (d) by a sentence at the end of the indroductory language and by adding a new clause (x) to read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(d) Statement of rate * * *

(4) * * * The first PGA rate adjustment to become effective on or after January 1, 1979, may reflect the calculation specified in clause (x).

(x) *One-time passthrough of certain estimated NGPA costs.* (*a*) *General Rule.* Notwithstanding the provisions of clause (iv)(*d*) of paragraph (d)(4), any natural gas pipeline company with a PGA clause in effect on January 1, 1979, may estimate its changes in purchased gas cost directly attributable to the Natural Gas Policy Act of 1978 (NGPA) up to and including the month preceding the effective date of its first PGA tariff adjustment effective on or after January 1, 1979, provided however, for those months for which the pipeline has acutal NGPA costs reflected in its deferred account, the actual amounts must be used in calculating the surcharge. The amount estimated may be added to the actual amounts reflected in the pipeline's deferred account (Account 191) for purposes of calculating the PGA surcharge included in the pipeline's first PGA rate adjustment to be effective on or after January 1, 1979.

(*b*) *Option for pipelines with a PGA rate adjustment effective on January 1, 1979.* Those pipelines with PGA rate adjustments to become effective on January 1, 1979 may elect to include the adjustment for NGPA costs prescribed in clause (x)(*a*) either (i) in their PGA rate adjustment to become effective on January 1, 1979, or (ii) in their first PGA rate adjustment filed on or after January 1, 1979. Those pipelines choosing (i) must file amended PGA rate sheets which reflect the adjustment allowed in clause (x)(*a*) no later than December 15, 1978; the notice requirements of § 154.138(d)(4)(v) and the notice provisions in the pipeline's PGA clause tariff provisions are hereby waived for such PGA tariff filings made during December 1978.

[FR Doc. 78-34180 Filed 12-6-78; 8:45 am]

[4410-01-M]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 811-78]

PART O—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart P—Federal Bureau of Investigation

DELEGATING AUTHORITY TO THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order permits the Director of the Federal Bureau of Investigation to adjust, determine, compromise, and settle a claim involving the Federal Bureau of Investigation, under section 2672 of Title 28, United States Code, relating to the administrative settlement of Federal tort claims, if the amount of a proposed adjustment, compromise, settlement or award does not exceed $5,000.00.

EFFECTIVE DATE: November 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Axelrad, Director, Torts Branch, Civil Division, U.S. Department of Justice, Washington, D.C. 20530 (202-724-6810).

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, § 0.85 of Subpart P of Part O of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new paragraph (k):

§ 0.85. General function.

* * * * *

(k) Adjust, determine, compromise, and settle claims involving the Federal Bureau of Investigation under 28 U.S.C. 2672, relating to tort claims where the amount of a proposed adjustment, compromise, settlement or award does not exceed $5,000.00.

Dated: November 28, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-34123 Filed 12-6-78; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-048]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Pequonnock River, Conn.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City of Bridgeport, the Coast Guard is changing the regulations governing the Grand Street bridge to provide that the draw need not open. This change is being made because no requests have been made to open the draw since 1961. This action will relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw.

EFFECTIVE DATE: This amendment is effective on January 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: On May 25, 1978, the Coast Guard published a proposed rule (43 FR 22410) concerning this amendment. The Commander, Third Coast Guard District, also published the proposal as a Public Notice dated June 15, 1978. Interested persons were given until June 27, 1978 and July 17, 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 which offered no objection or no comment regarding the proposal. After the close of the comment period the New England Division, Corps of Engineers, Department of the Army, requested that the bridge owner be instructed to restore this bridge to operable condition within 1 year after such action is requested. This request was generated by an existing project authorized by Congress that extends approximately 1,500 feet above the Grand Street bridge. The City of Bridgeport stated that it might take as long as 2 years to restore the bridge to operable condition. There is no navigation above this bridge nor has there been since 1961. Based on a review of the bridge and its associated mechanical components, the Coast Guard feels that the restoration of the draw to operable condition within 12 months as requested by the Corps of Engineers is reasonable and this condition is therefore incorporated in the regulation.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.130(a)(5) to read as follows:

§ 117.130 Pequonnock River, Yellow Mill Channel, and Johnson Creek, Bridgeport, Conn.; bridges.

(a) * * *

(5) *Grand Street Bridge.* The draw need not open for the passage of vessels. However, the draw shall be returned to operable condition within 12 months after notification by the Commandant to take such action.

* * * * *

(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 1, 1978.

J. D. HAYES,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-34197 Filed 12-6-78; 8:45 am]

[4310-03-M]

Title 36—Parks, Forests and Public Property

CHAPTER XII—HERITAGE CONSERVATION AND RECREATION SERVICE, DEPARTMENT OF THE INTERIOR

PART 1207—THE SECRETARY OF THE INTERIOR'S STANDARDS FOR HISTORIC PRESERVATION PROJECTS

Final Rulemaking

AGENCY: Heritage Conservation and Recreation Service, Interior.

ACTION: Final Rulemaking.

SUMMARY: Interim standards were published on September 13, 1978. The following document sets forth the final standards established by the Secretary of the Interior for planning, undertaking, and supervising historic preservation grant-in-aid projects under the provisions of the National *Historic Preservation Act of 1966*, as amended through the creation of a National Historic Preservation Fund. The 1966 act authorizes the Secretary to grant funds to the States, Territories, and the National Trust for Historic Preservation for the purpose of preserving properties for public benefit that are significant in American history, architecture, archeology, and culture.

EFFECTIVE DATE: These regulations became effective on September 13, 1978.

FOR FURTHER INFORMATION CONTACT:

W. Brown Morton, III, Departmental Consultant for Historic Architecture, Chief, Technical Preservation Services Division, Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20240, 343-7253.

SUPPLEMENTARY INFORMATION: In preparing these regulations and reviewing the National Register and the Historic Preservation Fund grant-in-aid program, the intent, requirements, and spirit of the National Environmental Policy Act of 1969 (Pub. L. 91-190, 42 U.S.C. 4321-4327) have been carefully considered. As established by the 1966 National Historic Preservation Act (80 Stat. 915, 16 U.S.C. 470 et seq.) and amended by title II, Pub. L. 94-422 through the creation of a National Historic Preservation Fund, these programs have as their purpose the identification, protection, and enhancement of the historic, architectural, archeological, and cultural resources of the manmade environment. It has been administratively determined that, beyond the overall program purpose which is intended to enhance the environment, this rulemaking will have no significant effect on the environment. Further information, including a memorandum of environmental assessment, is on file in the Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20240.

Public comment regarding the interim standards was due on or before October 13, 1978. The one comment received involved questions or suggestions about sections: 1207.2 (f)f, 1207.3 (g), and 1207.4 (g), (1) and (4). The Service believes that although the questions or suggestions for the above-referenced sections are not applicable to the standards, they are appropriate to, and are therefore satisfactorily addressed and answered in, the Guidelines for Applying the Secretary of the Interior's Standards for Historic Preservation Projects, an appendix to the draft Grants Administration Manual. This draft manual was recently distributed to those officials responsible for administrating the grant-in-aid program in the States, Territories and the National Trust for Historic Preservation.

The primary authors of this document are W. Brown Morton III and Gary L. Hume, Heritage Conservation and Recreation Service, 202-343-7253.

DAVID F. HALES,
Deputy Assistant Secretary for Fish and Wildlife and Parks.

DECEMBER 1, 1978.

Accordingly, a new Chapter XII, Part 1207 is added to Title 36 to read as follows:

Sec.
1207.1 Intent.
1207.2 Definitions.
1207.3 General standards for historic preservation projects.
1207.4 Specific standards for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction projects.

AUTHORITY: The National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq.; section 2124 of the Tax Reform Act of 1976, 90 Stat. 1918; Executive Order No. 11,593, 3 CFR 75 (1971).

§ 1207.1 Intent.

The intent of this part is to set forth standards for historic preservation projects, containing general standards

and specific standards for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction. These standards apply to all proposed grant-in-aid projects assisted through the National Historic Preservation Fund.

§ 1207.2 Definitions.

The standards for historic preservation projects will be used by the Heritage Conservation and Recreation Service and State historic preservation officers and their staff members in planning, undertaking, and supervising grant-assisted projects for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction. For the purposes of this part:

(a) *Acquisition.* Means the act or process of acquiring fee title or interest other than fee title of real property (including the acquisition of development rights or remainder interest).

(b) *Preservation.* Means the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of site. It may include initial stabilization work where necessary, as well as ongoing maintenance of the historic building materials.

(c) *Protection.* Means the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archeological sites, the protective measure may be temporary or permanent.

(d) *Reconstruction.* Means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

(e) *Rehabilitation.* Means the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

(f) *Restoration.* Means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

(g) *Stabilization.* Means the act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

§ 1207.3 General standards for historic preservation projects.

The general standards listed below shall apply to all historic preservation grant-in-aid projects; additional standards in § 1207.4 for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction apply to specific grant-in-aid projects as appropriate:

(a) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.

(b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations, which have no historical basis and which seek to create an earlier appearance, shall be discouraged.

(d) Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and reserve archeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction projects.

§ 1207.4 Specific standards for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction projects.

In addition to the general standards set forth in § 1207.3 the following specific standards shall be applied as appropriate:

(a) *Acquisition.* (1) Careful consideration shall be given to the type and extent of property rights that are required to assure the preservation of the historic resource. The preservation objective shall determine the exact property rights to be acquired.

(2) Properties shall be acquired in fee simple when absolute ownership is required to insure their preservation.

(3) The purchase of less-than-fee-simple interests, such as open space or facade easements, shall be undertaken when a limited interest achieves the preservation objective.

(4) Every reasonable effort shall be made to acquire sufficient property with the historic resource to protect its historical, archeological, architectural, or cultural significance.

(b) *Protection.* (1) Before applying protective measures, which are generally of a temporary nature and imply future historic preservation work, an analysis of the actual or anticipated threats to the property shall be made.

(2) Protection shall safeguard the physical condition or environment of a property or archeological site from further deterioration or damage caused by weather or other natural, animal, or human intrusions.

(3) If any historic material or architectural features are removed, they shall be properly recorded and, if possible, stored for future study or reuse.

(c) *Stabilization.* (1) Stabilization shall reestablish the structural stability of a property through the reinforcement of loadbearing members or by arresting material deterioration leading to structural failure. Stabilization shall also reestablish weather resistant conditions for a property.

(2) Stabilization shall be accomplished in such a manner that it detracts as little as possible from the property's appearance. When reinforcement is required to reestablish structural stability, such work shall be concealed wherever possible so as not to intrude upon or detract from the esthetic and historical quality of the property, except where concealment would result in the alteration or destruction of historically significant material or spaces.

(d) *Preservation.* (1) Preservation shall maintain the existing form, integrity, and materials of a building, structure, or site. Substantial reconstruction or restoration of lost fea-

tures generally are not included in a preservation undertaking.

(2) Preservation shall include techniques of arresting or retarding the deterioration of a property through a program of ongoing maintenance.

(e) *Rehabilitation.* (1) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

(2) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(f) *Restoration.* (1) Every reasonable effort shall be made to use a property for its originally intended purpose or to provide a compatible use that will require minimum alteration to the property and its environment.

(2) Reinforcement required for structural stability or the installation of protective or code required mechanical systems shall be concealed whenever possible so as not to intrude or detract from the property's esthetic and historic qualities, except where concealment would result in the alteration or destruction of historically significant materials or spaces.

(3) When archeological resources must be disturbed by restoration work, recovery of archeological material shall be undertaken in conformance with current professional practices.

(g) *Reconstruction.* (1) Reconstruction of a part or all of a property shall be undertaken only when such work is essential to reproduce a significant missing feature in a historic district or scene, and when a contemporary design solution is not acceptable.

(2) Reconstruction of all or a part of a historic property shall be appropriate when the reconstruction is essential for understanding and interpreting the value of a historic district, or when no other building, structure, object, or landscape feature with the same associative value has survived and sufficient historical documentation exists to insure an accurate reproduction of the original.

(3) The reproduction of missing elements accomplished with new materials shall duplicate the composition, design, color, texture, and other visual qualities of the missing element. Reconstruction of missing architectural features shall be based upon accurate duplication of original features, substantiated by historical, physical, or pictorial evidence rather than upon conjectural designs or the availability of different architectural features from other buildings.

(4) Reconstruction of a building or structure on an original site shall be preceded by a thorough archeological investigation to locate and identify all subsurface features and artifacts.

(5) Reconstruction shall include measures to preserve any remaining original fabric, including foundations, subsurface, and ancillary elements. The reconstruction of missing elements and features shall be done in such a manner that the essential form and integrity of the original surviving features are unimpaired.

[FR Doc. 78-34119 Filed 12-6-78; 8:45 am]

[1410-03-M]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket RM 77-3]

PART 201—GENERAL PROVISIONS

Compulsory License for Making and Distributing Phonorecords

AGENCY: Library of Congress, Copyright Office.

ACTION: Extension of time to submit written statements.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is extending the time for interested persons to submit written statements relating to the compulsory license for making and distributing phonorecords ("mechanical license").

DATE: Statements should be submitted on or before January 31, 1979.

ADDRESSES: Statements should be submitted, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Room 519, Arlington, Virginia; or, if by mail, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT:

Jon Baumgarten, General Counsel, United States Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

SUPPLEMENTARY INFORMATION: Section 115 of 17 U.S.C. provides that "[w]hen phonorecords of a nondramatic musical work have been distributed to the public in the United States under authority of the copyright owner, any other person may, by complying with the provisions of this section, obtain a compulsory license to make and distribute phonorecords of the work" for certain purposes.

A compulsory license permits the use of a copyrighted work without the consent of the copyright owner if certain conditions are met and royalties paid.

Paragraphs (b) and (c) of section 115 direct the Copyright Office to issue regulations governing the content and filing of certain notices and statements of account under this section.

On April 26, 1977, in accordance with an Advance Notice of Proposed Rulemaking (42 FR 16837), we held a public hearing to elicit information relevant to the formulation of regulations under this section. After considering the testimony given at the hearing and in supplemental statements, on December 29, 1977 (42 FR 64889), we issued interim regulations. We then considered public comments received in response to the interim regulations and, on September 28, 1978 (43 FR 44511), we: (1) adopted amendments to the interim regulations; and (2) announced a public hearing, to be held on November 28 and 29, 1978, to take testimony on the interim regulations as amended. The record of the hearing was to be kept open until December 29, 1978, for receipt of written statements from any interested person, including supplemental statements from witnesses.

Substantial clarification of the difficult accounting issues involved in this proceeding emerged during the hearing. The possibility was also raised that representatives of the recording and music publishing industries might confer among themselves in an attempt to refine or resolve some of the differences between their positions. In accordance with requests made by both interests, and to permit full exploration of these and other matters raised at the hearing, we are extending the time for written statements to be filed from December 29, 1978, to January 31, 1979.

The full text of the interim regulations, as amended, is set forth in our September 28, 1978, notice (43 FR 44511). As soon as it is received from the reporting service, the unedited transcript of the hearing will be available for public inspection between the hours of 8:00 a.m. and 4:00 p.m. in the Public Information Office of the Copyright Office, Room 101, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia. Arrangements for receiving copies of the unedited transcript should be made directly with the Miller-Columbian Reporting Service, 927 15th Street, N.W., Washington, D.C. 20005 202-347-0224.

Dated: November 30, 1978.

BARBARA RINGER,
Register of Copyrights.

Approved:

WILLIAM J. WELSH,
The Acting Librarian of Congress.

[FR Doc. 78-34127 Filed 12-6-78; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL-1020-6]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLE AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Clarification and Technical Amendments; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to final rule.

SUMMARY: On September 25, 1978, the EPA published in the FEDERAL REGISTER (43 FR 43299) a regulation intended to bring EPA's regulations for the certification and testing of new motor vehicles and new motor vehicle engines into conformance with the provisions of the amended Clean Air Act regarding certification of motor vehicles at high altitude. That same action also promulgated the light-duty vehicle exhaust emission standards for model years 1979 and 1980. Several errors were made in that document (FR Doc. 78-26812) which this notice is intended to correct.

DATE: This correction is effective December 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Paul A. J. Wilson, Regulatory Management Staff, Office of Mobile Source Air Pollution Control (ANR-455), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0596.

1. The first complete paragraph and the table in the first column at page 43300 should be corrected to read as follows:

The exhaust emission standards for light-duty vehicles required by the Act are as follows:

[Grams per vehicle mile]

	HC	CO	NO_x
1979	1.5	15	2.0
1980	0.41	7.0	2.0

2. Section 86.079-8(a)(1)(ii) at page 43302 should read as follows:

(ii) *Carbon monoxide.* 15 grams per vehicle mile.

Dated: November 9, 1978.

DAVID A. HAWKINS,
Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 78-33942 Filed 12-6-78; 8:45 am]

[4110-35-M]

Title 42—Public Health

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

SUBCHAPTER C—MEDICAL ASSISTANCE PROGRAM

PART 440—SERVICES: GENERAL PROVISIONS

Sufficiency of Amount, Duration, and Scope; Correction

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

ACTION: Correction to final rule.

SUMMARY: This document corrects 42 CFR 440.230, *Sufficiency of amount, duration, and scope,* by reinserting two phrases omitted from the September 29, 1978, (43 FR 45176) publication of the rewritten and reorganized Medicaid regulations. The omission of these phrases was not intended to be a policy change. However, several commenters expressed concern that these omissions have been construed as a policy change restricting a State's authority to decide what medical assistance will be covered under the State Medicaid plan. In order to avoid further misunderstandings, § 440.230 is being amended as set forth below.

EFFECTIVE DATE: December 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Ann Watts (202) 245-0722.

TEXT OF REGULATION

Title 42, Part 440, of the Code of Federal Regulations is amended by reinserting the words "arbitrarily" and "such criteria as" in § 440.230, revising that section to read as follows:

§ 440.230 Sufficiency of amount, duration, and scope.

(a) The plan must specify the amount and duration of each service that it provides.

(b) Each service must be sufficient in amount, duration, and scope to reasonably achieve its purpose.

(c)(1) The medicaid agency may not arbitrarily deny or reduce the amount, duration, or scope of a required service under §§ 440.210 and 440.220 to an otherwise eligible recipient solely because of the diagnosis, type of illness, or condition.

(2) The agency may place appropriate limits on a service based on such criteria as medical necessity or on utilization control procedures.

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302).)

Dated: November 28, 1978.

LEONARD D. SCHAEFFER,
Administrator, Health Care Financing Administration.

Approved: November 30, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc. 78-34178 Filed 12-6-78; 8:45 am]

[4110-02-M]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CODE OF FEDERAL REGULATIONS

Miscellaneous Amendments

AGENCY: Office of Education, HEW.

ACTION: Rule.

SUMMARY: This document removes from the *Code of Federal Regulations* (CFR) materials falling into the following four categories: (1) Obsolete regulations that are being revoked; (2) Regulations that have no current applicability; (3) Regulations currently repeated verbatim in more than one place in the CFR; and (4) Materials of a non-regulatory nature that need not be reprinted annually in the CFR. The removal of these materials from the CFR will make the 1978 edition of Title 45 a more streamlined and functional publication.

EFFECTIVE DATE: December 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. A. Neal Shedd, U.S. Office of Education, 400 Maryland Avenue, SW., Room 2129, Washington, D.C. 20202, 202-245-7091.

SUPPLEMENTARY INFORMATION: The obsolete regulations being removed from the CFR by this document are:

(1) Appendix A to Subchapter A of Chapter I.

(2) Part 121.

(3) Part 160.

INAPPLICABLE REGULATIONS

The regulations in 45 CFR Parts 117, 118, 119, 124, 127, 129, 141, 142, 170, and 171 currently have no applicability because the Congress is not funding the programs for which they were written. These regulations are being suspended and taken out of the CFR. The suspension and removal of these regulations from the CFR will eliminate potential confusion for persons not aware that they have no current applicability. Because these regulations might be necessary at some future date, they are suspended rather than revoked. For regulations in this category, Part 100 of the CFR will contain a reference that tells the reader where they may be found.

In the event that funds are made available for these programs, the Office of Education (OE) will publish a document in the FEDERAL REGISTER informing the public that funds have been appropriated and lift the suspension. At that time OE will republish the regulations in full for inclusion in the CFR unless a finding is made at that time that full text republication is not warranted.

REPEATED REGULATIONS

The cost principles currently appended to Subchapter A of Chapter I duplicate appendices to the Department's general grant regulations in 45 CFR Part 74. Rather than repeat these lengthy appendices, the Office of Education—(1) amends its General Provisions Regulations in Parts 100a and 100b to add references to the Part 74 Appendices, and (2) revokes Appendices B-D of Subchapter A of Chapter I.

NONREGULATORY MATERIAL

Over the past several years OE has published in the FEDERAL REGISTER, for inclusion in the CFR, certain material that would not normally be codified in the CFR under the requirements of the FEDERAL REGISTER Act. These materials fall into the following three categories:

(1) Statutory materials that underlie OE programs and regulations (Part 116, Appendix);

(2) Preambles of major rulemaking actions (Part 105, Appendix B and Part 121a, Appendix A);

(3) Guidelines supplementing existing regulations (Part 121d Appendix; Part 162, Appendix B; and Part 166 Appendices A and C).

While the inclusion of these materials in the CFR on a one-time basis is useful to CFR users, it is not necessary that they be republished annually. By removing them, Title 45 of the CFR, beginning with the 1978 edition, can be streamlined to include only regulations of general and current applicability and future effect together with any new materials in any of the above three categories not previously published that would be of significant interest to users of Title 45.

For ease of use, the appendix headings will be retained in the 1978 edition of the CFR with an explanation of where the materials formerly included there may be found. The Office of Education is working with the Office of the Federal Register to explore a means for future publication of nonregulatory material relevant to persons interested in Title 45 without requiring either full text republication every year or retention of old CFR volumes indefinitely. Persons who would like to be consulted as these discussions proceed are invited to express their interest by writing to Dr. Shedd at the address stated above.

Dated: October 31, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: November 28, 1978.

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

Title 45 of the Code of Federal Regulations is amended as follows:

PART 100—GENERAL

1. Part 100 is amended by adding a new Subpart C, to read as follows:

Subpart C—Regulations for Certain Programs

§ 100.10 Where to find regulations for certain programs.

The following programs were not funded for Fiscal Year 1979. If funds become available for a later fiscal year, the table below shows where to find the regulations that apply to each program. ("FR" means the FEDERAL REGISTER.)

Title of program	Authorizing statute	Location of regulations
Financial assistance for school library resources, textbooks, and other instructional materials.	Title II of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	41 FR 37576, Sept. 7, 1976.
Supplementary centers and services, guidance, counseling, and testing programs.	Title III of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	40 FR 51011, Nov. 3, 1976.
Federal financial assistance for strengthening State departments of education.	Title V (except secs. 531-534) of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	34 FR 7242, May 2, 1969, as amended at 36 FR 8950, May 15, 1971; 38 FR 30659, Nov. 6, 1973.
Financial assistance for demonstration projects for reducing school dropouts.	Sec. 807 of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	39 FR 13652, Apr. 16, 1974.
Grants for demonstration projects to improve school health and nutrition services for children from low-income families.	Sec. 808 of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	39 FR 41861, Dec. 3, 1974.
Comprehensive educational planning and evaluation.	Sec. 531-534 of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	38 FR 21924, Aug. 14, 1973; as amended at 38 FR 30659, Nov. 6, 1973.
Strengthening instruction in academic subjects in public schools.	Title III-A of the National Defense Education Act.	40 FR 1018, Jan. 6, 1975.
Loans to private nonprofit schools for strengthening instruction in academic subjects.	Sec. 305 of the National Defense Education Act.	40 FR 6343, Feb. 11, 1975.
Financial assistance for construction of higher education facilities.	Title VII of the Higher Education Act.	39 FR 26724, July 23, 1974.
Instructional equipment grants for institutions of higher education.	Title VI of the Higher Education Act.	39 FR 12950, Apr. 9, 1974; as amended at 42 FR 63573, Dec. 16, 1977

(20 U.S.C. 1221e-3(a)(1))

PART 100a—DIRECT PROJECT GRANT AND CONTRACT PROGRAMS

2. Section 100a.80 is revised to read as follows:

§ 100a.80 Cost principles.

The Commissioner uses the principles referenced in §§ 74.170-74.176 of this title in determining costs under

grants and cost-type contracts under grants.

(20 U.S.C. 1221e-3(a)(1))

§§ 100a.81, 100a.82, 100a.83, 100a.84 and 100a.290 [Revoked]

3. The following sections in Part 100a are revoked: §§ 100a.81, 100a.82, 100a.83, 100a.84, and 100a.290.

PART 100b—STATE ADMINISTERED PROGRAMS

4. Section 100b.80 is revised to read as follows:

§ 100b.80 Cost principles.

The Commissioner uses the principles referenced in §§ 74.170-74.176 of this title in determining costs applicable to grants, subgrants, and cost-type contracts under grants and subgrants.

(20 U.S.C. 1221e-3(a)(1))

§§ 100b.81, 100b.82, 100b.83 and 100b.84 [Revoked]

5. The following sections in Part 100b are revoked: §§ 100b.81, 100b.82, 100b.83, and 100b.84.

Appendices A, B, C, and D to Subchapter A [Revoked]

6. Appendices A, B, C, and D to Subchapter A of Chapter I are revoked.

PART 105—COMMISSIONER'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

Appendix B [Amended]

7. Appendix B to Part 105 is amended by removing from the Code of Federal Regulations the title "COMMENTS AND RESPONSES" and all of the material in Appendix B which follows that title.

PART 116—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES AND STATE AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED, HANDICAPPED, MIGRANT, AND NEGLECTED AND DELINQUENT CHILDREN—GENERAL PROVISIONS.

Appendix [Removed]

8. The Appendix to Part 116 is removed from the Code of Federal Regulations.

PART 117—FINANCIAL ASSISTANCE FOR SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS [Removed]

PART 118—SUPPLEMENTARY CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING PROGRAMS [Removed]

PART 119—FEDERAL FINANCIAL ASSISTANCE FOR STRENGTHENING STATE DEPARTMENTS OF EDUCATION [Removed]

9. Parts 117, 118, and 119 are removed from the Code of Federal Regulations.

PART 121—DEFINITIONS; GENERAL PROVISIONS [Revoked]

10. Part 121 is revoked.

PART 121a—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Appendix A [Removed]

11. Appendix A to Part 121a is removed from the Code of Federal Regulations.

PART 121d—EARLY EDUCATION FOR HANDICAPPED CHILDREN

Guidelines (Subpart B) [Removed]

12. The Guidelines appended to Subpart B of Part 121d are removed from the Code of Federal Regulations.

PART 124—FINANCIAL ASSISTANCE FOR DEMONSTRATION PROJECTS FOR REDUCING SCHOOL DROPOUTS [Removed]

PART 127—GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL HEALTH AND NUTRITION SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES [Removed]

PART 129—COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION [Removed]

PART 141—STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS IN PUBLIC SCHOOLS [Removed]

PART 142—LOANS TO PRIVATE NON-PROFIT SCHOOLS FOR STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS [Removed]

13. Parts 124, 127, 129, 141, and 142 are removed from the Code of Federal Regulations.

PART 160—SPECIAL PROJECTS ACT [Revoked]

14. Part 160 is revoked.

PART 162—NATIONAL READING IMPROVEMENT PROGRAM

Appendix B [Removed]

15. Appendix B to Part 162 is removed from the Code of Federal Regulations.

PART 166—STATE ADULT EDUCATION PROGRAMS APPENDICES A AND C [Removed]

16. Appendices A and C to Part 166 are removed from the Code of Federal Regulations.

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES [Removed]

PART 171—INSTRUCTIONAL EQUIPMENT GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION [Removed]

17. Parts 170 and 171 are removed from the Code of Federal Regulations.

[FR Doc. 78-34245 Filed 12-6-78; 8:45 am]

[4910-14-M]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-222]

PART 153—SAFETY RULES FOR SELF PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

Requirements for Resuscitation Equipment

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This amendment deletes the requirement to carry resuscitation equipment aboard tankers carrying hazardous chemicals. To use resuscitation equipment effectively and safely requires training. The Coast Guard is developing standards to ensure that certain of the tankship's personnel are trained in cardiopulmonary resuscitation (CPR) techniques and to require equipment that would aid in administering CPR. This final rule removes the requirement for equipment until training standards have been established.

EFFECTIVE DATE: This amendment is effective on January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert M. Query, Office of Merchant Marine Safety, Room 8309, Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590 (202) 426-1217.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of Thursday, December 22, 1977 (42 FR 64134), the Coast Guard proposed to amend 46 CFR 153.214(d) to allow a chemical tanker to carry either a portable oxygen inhalator and bag valve mask resuscitator or a demand valve oxygen powered resuscitator as the required adjunctive cardiopulmonary resuscitation (CPR) equipment. This equipment was intended to aid in the treatment of anyone on the tanker exposed to a toxic concentration of cargo vapor. Interested persons were given until February 6, 1978 to comment on the proposal. The Coast Guard received two comments on the proposal.

DRAFTING INFORMATION

The principal persons involved in drafting this document are Mr. Robert M. Query, Project Manager, Office of Merchant Marine safety; and Mr. Michael N. Mervin, Project Attorney, Office of Chief Counsel.

DISCUSSION OF COMMENTS

The Coast Guard received two specific comments on the proposal, one in favor of and one against the change. The comments were essentially the same as the discussion in the preamble to the proposal. One person commented that the bag-valve mask manual resuscitator was too difficult to use effectively without initial and refresher training, and he recommended the demand valve resuscitator as easier and more effective for unskilled users. The other person commented that the bag valve mask manual resuscitator was safer than the demand valve resuscitator when used by an unskilled person and recommended that only the bag valve mask manual type be allowed.

Some types of adjunctive (assisting or auxiliary) resuscitation equipment may be harmful if used by someone who has not been trained in how to use them correctly. The documentation presented with the two comments suggests that for either type of adjunctive equipment to be safe and effective, the user needs initial and refresher training in using that type of equipment.

It is important to remember that cardiopulmonary resuscitation (CPR) can be of great value even without adjunctive equipment. The Coast Guard has decided that the best action to take in the long run would be to require training in unassisted CPR as a minimum and to require adjunctive equipment only when combined with training in how to use it safely.

Since a requirement for CPR training would be beyond the scope of the notice and since the Coast Guard plans to include requirements for CPR training, including use of adjunctive resuscitative equipment, in a comprehensive rule to be proposed for another part of title 46 in the near future, the present requirement for a resuscitator in 46 CFR 153.214 is revoked. In the interim, the Coast Guard urges tanker operators to consider training some of their shipboard personnel in CPR techniques and to provide adjunctive equipment to those who are trained to use it.

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations, is amended as follows:

PART 153—SAFETY RULES FOR SELF PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

§ 153.214 [Amended]

1. In § 153.214, by deleting paragraph (d).

(46 U.S.C. 170, 46 U.S.C. 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(n)(4), (t).)

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 1, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-34196 Filed 12-6-78; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1011—COMMISSION ORGANIZATION: DELEGATIONS OF AUTHORITY

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1100—RULES OF PRACTICE

Delegation of Appellate Authority

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: New rules and procedures affecting the Commission's internal organization became effective January 1, 1978, 42 FR 65181 (December 30, 1977). After experience with these rules, certain modifications and clarifications proved necessary, and effective August 1, 1978, several provisions were amended. Further amendment is necessary to delegate appellate authority to review boards in railroad matters limited to (A) rate cases instituted after referral by the courts and (B) investigation cases instituted under 49 U.S.C. 11501. The rules of practice are amended consistent with this delegation of appellate authority. Because these amendments involve the internal organization and procedures of the Commission, they are being issued in final form, and public comments are not being requested.

EFFECTIVE DATE: December 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak or Harvey Gobetz, Section of Rates, Office of Proceedings, Washington, D.C. 20423 (202-275-7693).

SUPPLEMENTAL INFORMATION: Under section 10304 of the Interstate Commerce Act (49 U.S.C. 10304) the Commission is authorized to substitute employee boards for divisions for purposes of hearing exceptions to recommended reports. Formerly, the parties to a review board appellate decision, in both rail and non-rail proceedings, were accorded the right to petition for reconsideration, and they could con-

tinue to do so for as long as decisions on reconsideration reversed, changed, or modified prior decisions. The net effect of this scheme was to guarantee parties a minimum of two rights of appeal and one discretionary appeal.

Section 303 of Pub. L. 94-210, the Railroad Revitalization and Regulatory Reform Act of 1976, streamlined the Commission's appellate procedure in railroad related proceedings by limiting to one the number of levels of mandatory appellate review. Under what is now section 10327(f) of the Act, the Commission is empowered to delegate to employee boards the authority to decide appeals in rail-related cases, but only if there is no provision for a further administrative appeal as a matter of right. Since the enactment of this legislation, we have generally refrained from assigning appeals to the review boards in rail cases, but instead have referred such cases to a division of the Commission. We have decided, after a review of the rail-related cases which come before us on appeal, that it would be more appropriate to assign certain of those cases to the review boards, and to make the boards' decisions administratively final. At this time, only two categories of cases are to be assigned to the review boards for appellate action: rate cases instituted by complaint or petition, and cases involving the prescription of intrastate rates under section 11501 of the Act. This assignment of appellate decision-making authority to the review boards is experimental. If it proves to be satisfactory, as we expect it to be, we will give consideration later to expanding the review boards' appellate jurisdiction in rail-related cases. Should it prove unsatisfactory, the delegation will be rescinded.

To give effect to our decision, § 1011.6(g) of our Organization Rules and § 1100.98 (e) and (f) of our rules of practice are being modified in the manner described below.

Part 1011 of Title 49 of the Code of Federal Regulations is amended in the following respects—

§ 1011.6 [Amended]

Section 1011.6(g) is amended to read—

* * * * *

(g) *Review Boards Nos. 1, 2, 3, 4, and 5.* (1) Except as provided in paragraph (g)(2) of this section, determination of matters not expressly reserved to the Commission or assigned to another employee board, other than those proceedings in which a Commissioner or a member of the Board has presided at the hearing or issued an initial decision and those proceedings that are considered to be the relatively more important cases, including those which appear to involve issues of general transportation importance. In determining what matters are of relatively greater importance, consideration will be given, among other things, to the significance of the matters involved in terms of impact on, or importance to, the national transportation system; the potential significance of the matter as precedent; the question whether a matter of first impression is involved; and the complexity of the record and the issues involved.

(2) Appellate jurisdiction over railroad matters is limited to (i) rate cases instituted by complaint or petition, including proceedings instituted after referral by the courts and (ii) investigation cases instituted under section 11501 of the Act.

Part 1100 of Title 49 of the Code of Federal Regulations is amended in the following respects—

§ 1100.98 [Amended]

Section 1100.98(e) is amended to read—

* * * * *

(e) *Discretionary review of final decisions.* (1) Any party may file a petition for administrative review of the decision, order, or requirement of the review board, the division, or Commission, subject to the following requirements:

* * * * *

Section 1100.98(f) is amended to read—

* * * * *

(f) *Effectiveness.* (1) The timely filing of an appeal shall stay the effect of the decision order, or requirement pending the determination of such appeal. (2) Unless otherwise provided, the Commission, on its own motion, or upon petition, may stay the effect of a decision, order, or requirement of the division or Commission. (3) Any decision, order, or requirement of the review board, the division, or Commission not stayed shall become effective 30 days after it is served on the parties, unless the Commission provides for such decision, order, or requirement to become effective at an earlier date.

These rules are promulgated under the authority of 49 U.S.C. 10321 and 10327.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Brown, Stafford, Gresham and Clapp. Commissioner Stafford dissented.

Dated October 19, 1978, at Washington, D. C.

H. G. HOMME, Jr.,
Secretary.

Commissioner Stafford, dissenting:

I do not believe the 4-R Act gave the Commission power to allow review boards to make final decisions.

It is clear that before the 4-R Act, the Commission had no such power. In the legislative history of the 1961 amendments to Section 17 of the Act, the Commission clearly promised that it would always assure parties an automatic right to appeal any final decision to the Commission or a division thereof.

The impact of the 4-R Act on this commitment is unclear. There appears to be no legislative history on the parenthetical phrase at the end of Section 17(9)(c). We do know, however, that Congress was vitally concerned about delays in the administrative process. One cause of that delay was the fact that a decision by a review board on exceptions (from the initial decision of an administrative law judge or joint board) was subject to another appeal. To eliminate the multiple appeal process, Section 17(9)(c) now says that we may not delegate appellate matters to employee boards if a second appeal would lie to the Commission or to a division.

There seems to be two interpretations of this prohibition. One interpretation, which I believe correct, is that Congress did not want employee boards to be handling such appeals. The other interpretation, adopted here by the majority, is that the new section allows employee boards to make final decisions. In my view, the former policy, enunciated in 1961, must be clearly overruled by Congress. I see no such intent in the 4-R Act.

As a policy matter, I believe that all parties to our proceedings should have one automatic right of appeal to the Commission or a division. While we may view individual cases as simple and unimportant, the parties never see them in this light. I believe as regulators it is our obligation to participate in the decisional process in every case. Our workload is admittedly at an all-time high; but it is not so great that affected persons should be deprived of their right to have their case adjudicated by the Commission.

[FR Doc. 78-34195 Filed 12-6-78; 8:45 am]

[4310-55-M]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Opening of Kirwin National Wildlife Refuge, Kans. to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to sport fish-

ing on the Kirwin National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through December 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Keith S. Hansen, Kirwin, Kansas 67644, telephone: 913/646-2373.

SUPPLEMENTARY INFORMATION:

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

Sport fishing on the Kirwin National Wildlife Refuge, Kansas is permitted from January 1 through December 31, 1979, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Area Manager, Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Missouri 64116. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1979. The public is invited to offer suggestions and comments at any time.

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

Dated: November 6, 1978.

KEITH S. HANSEN,
Refuge Manager.

[FR Doc. 78-34122 Filed 12-6-78; 8:45 am]

proposed rules

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

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

HANDLING OF PAPAYAS GROWN IN HAWAII

Proposed Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes minimum grade and size requirements for shipments of Hawaiian papayas. These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received by December 22, 1978. Proposed effective dates: January 1, 1979, through December 31, 1979.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposed regulation was recommended by the Papaya Administrative Committee, established under the marketing agreement and Order No. 928 regulating the handling of papayas grown in Hawaii. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The committee estimates that 1979 production of Hawaiian papayas will total 70.0 million pounds, the same amount produced during 1978. This will be the first time in eight years that papaya production will not increase over a previous year. This situation resulted from the announced closing of a major papaya producer on the island of Maui sometime during mid-1979. Fresh sales are expected to total 57.0 million pounds and the remaining 13.0 million processed. In-state fresh sales are projected at 14.5 million pounds for 1979, compared to 15.0 million estimated for 1978. It is anticipated that out-of-state sales will amount to 74 percent of the total fresh sales next year and reach 42.5 million pounds, .5 million more than in 1978.

The grade and size requirements are designed to prevent the shipment of Hawaiian papayas of a lower grade and smaller size than specified and are designed to provide ample supplies of good quality papayas in the interest of producers and consumers pursuant to the declared policy of the act.

As proposed § 928.309 Papaya Regulation 9 would read as follows:

§ 928.309 Papaya Regulation 9.

Order. (a) No handler shall ship any container of papayas (except immature papayas handled pursuant to § 928.152 of this part):

(1) During the period January 1 through December 31, 1979, to any destination within the production area unless said papayas grade at least Hawaii No. 1, except that the allowable tolerances for defects shall be 5 percent: *Provided,* That not more than 3 percent shall be permitted for serious damage, not more than 1 percent for immature fruit, and not more than 1 percent for decay; *Provided further,* That such papayas individually weigh not less than 13 ounces.

(2) During the period January 1 through December 31, 1979, to any export destination unless said papayas grade at least Hawaii No. 1, except they shall be free from injury caused by bruises and free from deep scars; and scars, when scaly, cracked or not smooth, shall not aggregate a circle greater than 1 inch in diameter, or when smooth shall not aggregate more than 7.5 percent of the surface of the fruit, except that the total tolerance for all defects shall not exceed 3 percent: *Provided,* That of this amount not more than 1 percent shall be for immature fruit and not more than 1 percent shall be for decay: *Provided further,* That such papayas shall individually weigh not less than 11 ounces each.

(b) When used herein "Hawaii No. 1" shall have the same meaning as set forth in the Standards for Hawaii Grown Papayas, as amended, Subsection 5.32, Section 5, Regulation 1, Divisionof Marketing and Consumer Services, Department of Agriculture, State of Hawaii, issued pursuant to Section 147-4, Part I and Section 147-22, Part II, Chapter 147, Title 11, Volume 3, Hawaii Revised Statutes. All other terms shall have the same meaning as when used in the marketing agreement and order.

Dated: December 1, 1978.

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

[FR Doc 78-34124 Filed 12-6-78; 8:45 am]

[6720-01-M]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 25]

FEDERAL RESERVE SYSTEM

[12 CFR Part 228]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 345]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563e]

COMMUNITY REINVESTMENT ACT REGULATIONS

Proposed Amendment

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, and Federal Home Loan Bank Board.

ACTION: Proposed regulations.

SUMMARY: This proposed amendment to the Agencies' regulations implementing the Community Reinvestment Act of 1977 would reflect an amendment to that law contained in the Financial Institutions Regulatory and Interest Rate Control Act of 1978 which relates to financial institutions whose business predominantly consists of serving the needs of military personnel who are not located within a defined geographic area.

DATE: Comments must be received by: January 8, 1979.

ADDRESS: Please send comments to: Theodore E. Allison, Secretary to the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, D.C. 20551. All material submitted should refer to FRB Docket No. R-0192.

FOR FURTHER INFORMATION CONTACT:

C. Baird Brown, Board of Governors of the Federal Reserve System: 202-

452-3265; JoAnn Barefoot, Comptroller of the Currency: 202-447-0934; Jeffrey Tisdale, Federal Deposit Insurance Corporation: 202-389-4384; Nancy Feldman, Federal Home Loan Bank Board: 202-377-6643.

SUPPLEMENTAL INFORMATION: On October 12, 1978, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board (collectively referred to as "the Agencies") adopted regulations to implement the Community Reinvestment Act of 1977 ("the CRA") (FR 47144). Those regulations became effective November 6, 1978, as required by statute.

The CRA requires that in connection with their examination of institutions in their jurisdiction, the Agencies assess each institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the institution. The CRA further requires that the appropriate Agency take that record into account in its evaluation of any application by the institution for a charter, deposit insurance, branch or other deposit facility, office relocation, merger, or acquisition of bank or savings institution shares or assets.

On November 10, 1978, the Financial Institutions Regulatory and Interest Rate Control Act of 1978 was enacted (Pub. L. 95-630), which contained the following amendment to the CRA:

§ 803 * * *

(4) A financial institution whose business predominantly consists of serving the needs of military personnel who are not located within a defined geographic area may define its 'entire community' to include its entire deposit customer base without regard to geographic proximity.

This proposed regulatory amendment would allow qualified institutions to delineate a "military community" of nonlocal depositors in addition to a local community or communities; these would comprise their "entire community" under the regulation.

The Agencies propose this implementation of the statutory provision because preliminary information indicates that institutions potentially qualified under it have a local customer base as well as nonlocal military customers. However, the amendment is issued in proposed form to allow comment on the scope of the statutory provision. Commenters are asked to consider particularly the proposed percentage and mileage limitations, and whether a military community should be the only community required to be delineated where local depositors constitute an insignificant portion of the institution's entire deposit customer base.

Institutions are requested to comply with the proposed regulation during the comment period.

Accordingly, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board propose to amend 12 CFR Parts 25, 228, 345, and 563e, as follows:

PART 25—COMMUNITY REINVESTMENT ACT REGULATIONS

1. Section 25.3 is amended by adding new paragraph (c) to read as follows:

§ 25.3 Delineation of Community.

(a) * * *

(b) * * *

(c)(1) Nothwithstanding the requirements of paragraphs (a) and (b) of this section, a national bank, over half of whose depositors are active duty or retired military personnel or their dependents who reside more than 50 miles from any of its offices, may delineate a "military community" for those depositors, in addition to its local community or communities. A military community shall be delineated by a written description rather than a map.

(2) References to "local communities" in the provisions of this part shall apply to military communities.

(Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq. as amended by Title XV of Pub. L. 95-630); 12 U.S.C. 21, 22, 26, 27, 30, 36, 161, 215, 215a, 481, 1814, 1816, 1828(c).)

Dated: November 28, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

PART 228—COMMUNITY REINVESTMENT

2. Section 228.3 is amended by adding new paragraph (c) to read as follows:

§ 228.3 Delineation of community.

* * * * *

(c) (1) Notwithstanding the requirements of paragraphs (a) and (b) of this section, a State member bank, over half of whose depositors are active duty or retired military personnel or their dependents who reside more than 50 miles from any of its offices, may delineate a "military community" for those depositors, in addition to its local community or communities. A military community shall be delineated by a written description rather than a map.

(2) References to "local communities" in the provisions of this part shall apply to military communities.

* * * * *

(Community Reinvestment Act of 1977 (title VIII, Pub. L. 95-128, 91 Stat. 1147 (12 U.S.C. 2901 et seq.)); Pub. L. 95-630; (12 U.S.C. 321, 325, 1814, 1816, 1828, 1842).)

By order of the Board of Governors, effective November 29, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

PART 345—COMMUNITY REINVESTMENT

3. Section 345.3 is amended by adding a new paragraph (c) thereto, to read as set forth below:

§ 345.3 Delineation of community.

* * * * *

(c) (1) Notwithstanding the requirements of paragraphs (a) and (b) of this section, an institution, over half of whose depositors are active duty or retired military personnel or their dependents who reside more than 50 miles from any of its offices, may delineate a "military community" for those depositors, in addition to its local community or communities. A military community shall be delineated by a written description rather than a map.

(2) References to "local communities" in the provisions of this part shall apply to military communities.

(Sec. 1503, Pub. L. 95-630, 92 Stat. 3641 (12 U.S.C. 2902); sec. 806, Pub. L. 95-128, 91 Stat. 1148 (12 U.S.C. 2905); sec. 9, Pub. L. 797, 64 Stat. 891 (12 U.S.C. 1819).)

Approved November 30, 1978.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
HOYLE L. ROBINSON,
Assistant Executive Secretary.

PART 563—COMMUNITY REINVESTMENT

4. Section 563e.3 is amended by adding a new paragraph (c) thereto, to read as set forth below:

§ 563e.3 Delineation of community.

* * * * *

(c) (1) Notwithstanding the requirements of paragraphs (a) and (b) of this section, an institution, over half of whose depositors are active duty or retired military personnel or their dependents who reside more than 50 miles from any of its offices, may delineate a "military community" for those depositors, in addition to its local community or communities. A

military community shall be delineated by a written description rather than a map.

(2) References to "local communities" in the provisions of this part shall apply to military communities.

(Pub. L. 95-630; Pub. L. 95-128, 91 Stat. 1147, et seq.; secs. 17, 47 Stat. 736, as amended, (12 U.S.C. 1437); secs. 402, 403, 407, and 408, 48 Stat. 1256, 1257, 1260, and 1260a, as amended, (12 U.S.C. 1725, 1726, 1730, 1730a); sec. 5, 48 Stat. 132, as amended, (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Com. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary,
Res. #78-674.

NOVEMBER 29, 1978.

[FR Doc. 78-34236 Filed 12-6-78; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 25, and 37]

[Docket No. 18564; Notice No. 78-16]

AIRCRAFT WHEELS AND WHEEL-BRAKE ASSEMBLIES

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Technical Standard Order (TSO) for aircraft wheels and wheel-brake assemblies (TSO-C26b) and a related type certification requirement for airplane brakes. As revised, the standards would incorporate updated and improved minimum performance standards and standards for the design and construction of aircraft wheels and brakes. The proposed changes are recommended to fulfill service needs with respect to future designs.

DATE: Comments must be received on or before February 7, 1979.

ADDRESS: Send all comments on the proposal in duplicate: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 18564, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or argument as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of these proposals may also be submitted. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comment specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

AVAILABILITY OF NPRMS

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 NPRMs should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

DISCUSSION OF THE PROPOSED RULE

There are several changes to the standards of Parts 23, 25, and 37 of the Federal Aviation Regulations included in this notice of proposed rulemaking. Present §§ 23.735(a)(2), 25.735(f)(2), and 37.172, paragraph 4.2(a)(1) prescribe a formula that may be used for the determination of the kinetic energy absorption requirements of each main wheel brake assembly if a rational analysis is not used. The formula provides as one parameter the power-off stalling speed (Vs_0) of the aircraft at sea level at the design landing weight and in the landing configuration. However to provide for those aircraft for which the manufacturer desires to have the speed greater than Vs_0, e.g., when the speed at which brakes may be applied is greater than Vs_0, the formula would be revised by substituting V to indicate a speed equal to or greater than Vs_0. Also, in the formula the numerical constant "0.0444" would be corrected to the fourth decimal by revising it to read "0.0442".

Present § 25.735(b) sets forth the certification requirements for brakes for transport category airplanes. However, in defining the conditions under which the airplane must be brought to rest, reference is made to § 25.75 only. Section 25.75 is applicable to reciprocating engine powered airplanes but not to turbine engine powered airplanes which are identified in § 25.125. The reference to § 25.125 would therefore be added to § 25.735(b).

Present § 25.735(g) provides for the use of Vs_0 as the initial speed in dynamometer tests for determining the kinetic energy capacity of the wheel-brake assembly. Consistent with the change proposed for § 25.735(f)(2), "Vs_0" would be replaced by "V" to indicate a speed equal to or greater than Vs_0.

The energy absorbing ability and functional compatibility of a brake with a wheel are a function of both the brake and the wheel working as a unit. Thus, in current paragraph 4.2(a) of the Federal Aviation Administration Standard that is contained in § 37.172, wheel-brake assemblies must be used in the dynamometer tests when testing for kinetic energy ratings. To clarify this, all references to "wheels and brakes" in the title and elsewhere in § 37.172, have been deleted and replaced by references to "wheels and wheel-brake assemblies".

The variation between manufacturer accountability procedures indicates a need for optional marking in order to identify the time period in which the part is manufactured. Therefore, as alternative to serial number identification, an optional date of manufacture would be allowed under § 37.172(b)(2).

It is proposed to amend the *Data requirements* of § 37.172(c) by including accelerate-stop and design landing stop deceleration values prescribed in the wheel brake system tests covered under § 37.172, paragraph 4.2(a)(2). In addition, § 37.172(c) would be amended to require only that the maintenance instructions be made available upon request since such instructions are not needed by the FAA for assessment of wheels and wheel-brake assembly performance.

In the proposed standard, paragraph 2(a)(1) has been amended to make clear that lubricant retainers must control lubricant in the bearing areas under all operating conditions and not just the maximums.

Rim repair instructions contained in current paragraph 2(b) have been deleted since this type of information belongs in the maintenance manual. The paragraph would also be amended to make clear that holes in all aluminum alloy and magnesium alloy parts must have protective finishes similar to

other surfaces of the wheel to guard against corrosion.

Since there is no requirement for load ratings of the wheel-brake system design to be compared to ground reactions, the words "and wheel-brake system design" would be deleted from paragraph 3(a). Also, the words "accelerate-stop" and "rejected takeoff" are synonymous as they are used in the TSO and airworthiness standards. The TSO uses both terms but the airworthiness standards use only "accelerate-stop." To be consistent with the airworthiness standards, it is proposed to replace the term "rejected takeoff" with "accelerate-stop" in paragraph 3(b)(2).

In connection with proposed paragraph 4. *Qualification tests,* an introductory statement has been added to the paragraph requiring that the assemblies be tested and that the test data be included in the test report required in § 37.172(c)(2).

Paragraph 4.1(a)(1) would be revised to require that the wheel be fitted with the proper size tire during the qualification testing of the wheel to simulate conditions as demanding as those in actual service.

Paragraphs 4.1 (a)(2) and (b)(2) presently contain a wheel position sequence for applying the yield test loads such that the first load application is at the 0° position, then one load application each at 90°, 180°, and 270°, and finally two successive loads at the 0° position. As proposed, one test setup has been eliminated by requiring three load applications ending at the 0° position. The order of the load applications is not significant as long as the number of loads applied is the same. The permanent deformation allowable standard for wheels under test loads has been changed to 0.005 inches or 5 percent of the deflection caused by the test load, whichever is greater. Information available to the FAA indicates that it is difficult to measure the permanent set in small wheels for determining compliance with the existing 5 percent maximum allowable permanent deformation.

The present paragraph 4.1(a)(3) requirement that the ultimate load must be sustained for 10 seconds is significantly more severe than the required time for sustaining test loads on structure as specified in the airworthiness standards. See, for example, § 25.305(b). To be consistent with the airworthiness standards, paragraph 4.1(a)(3) would be amended to state a 3-second requirement.

Wheel and brake manufacturers have reported that in most tests conducted, tire bottoming occurs prior to reaching full application of ultimate loads. When tire bottoming occurs, high stresses are imposed on the wheel rims at the loading surface with possible rupturing of the tire or failure of the wheel due to the concentrated loads if load application is continued. One manufacturer stated that if the tire inflation pressure were increased over the allowable pressure, ultimate loads could be applied without the tire bottoming in most tests. An unlimited tire inflation pressure increase could not be allowed because of the potential hazards to test personnel due to possible tire blowouts. However, an allowance of 2 times rated inflation pressure is reasonable in view of the 2 times maximum radial limit load permitted in the tests. Some wheel and brake manufacturers have constructed a "loading block" which fits the contour of the wheel between the rim flanges and simulates the load transfer of the inflated tire. Use of this device permits application of ultimate loads without the concern of the tire bottoming. Provision for the "loading block" has been included in paragraphs 4.1 (a)(3) and (b)(3) to be used in the tests if increasing the inflation pressure of the tire to 2 times the rated inflation pressure fails to prevent tire bottoming.

The current requirement in paragraph 4.1(b)(1) is for the wheel axle to be positioned at the same angular orientation to the nondeflecting surface that the axle would have if it were mounted on an aircraft and the limit radial load applied. However, the purpose of the test is to determine how the wheel will react to the combined radial and side loads. Application of the side load could make a significant difference in the angular relationship of the axle to the nondeflecting surface. To determine the most accurate indication of the wheel's reaction to the combined radial and side loads, the angular position of the axle obtained under these loads has been proposed for the test.

The current paragraph 4.1(c)(1) requires that the wheel with tire mounted be positioned against a flat nondeflecting surface for the maximum static load test. However, the test consists of rolling the wheel for a given number of miles and this implies the wheel must be rolled on a flat nondeflecting surface for this distance. Such a test is impractical with present wheel testing technology. Testing machines with flat nondeflecting surfaces and for rolling are available but prohibitive in cost at this time. Manufacturers currently are conducting wheel roll tests on a dynamometer flywheel which has a curved surface and this testing procedure has been approved by the certifying regions. Therefore, the words "or a flywheel" would be added following the word "surface" in the first sentence of paragraph 4.1(c)(1). For the same reason, the word "nondeflecting" has been changed to "load" in the second sentence. Limit loads are specified in the second and third sentences of the present paragraph. Since this is a roll test to be conducted with static load application, the word "limit" would be replaced by the word "static" in paragraph 4.1(c)(1). Also, the words "with air" have been deleted in the third sentence since the certifying regions have approved other mediums, such as nitrogen and water, as a means of inflating the tire. Service records show that fatigue cracks and stress corrosion account for a large number of wheel failures during service operation. In evaluating the fatigue strength of wheels, the evaluation must include the typical loading spectrum expected in service which includes side loads as well as vertical loads. Side loads are encountered in all aircraft ground operations resulting from taxi turns, takeoff and landing crosswind gusts, and other causes. The TSO currently provides for static combined radial and side loads in the qualification testing of wheels but does not include side or yaw loads in the roll tests which more appropriately represent service operation.

In view of the foregoing, a new side load or yaw test standard is proposed for transport category airplanes in paragraph 4.1(c)(2). Ground operational distances to which the wheel may be expected to roll during its service life must be considered. In view of the wheel failures that have already occurred and in order to extend the service life of wheels, the current 1,000 mile roll distance test would be increased to 2,000 miles.

Current paragraph 4.1(d)(1) requires that the wheel be hydrostatically tested to a burst pressure that is not less than the inflation pressure at the rated load "S" times a factor of 3.5 for airplanes and 3.0 for rotorcraft. References are made to "burst pressure" and the paragraph is titled "Burst test" implying that the wheel must be tested to the point that it "bursts". This implication is incorrect since the objective of the test is to ensure that the wheel will understand without failure a pressure somewhat greater than the rated inflation pressure of the tire with which it is to be used. Thus, the test pressure to be applied is not literally a burst pressure but rather an overpressure. Accordingly, the title of paragraph 4.1(d)(1) should be changed from "Burst test" to "Overpressure test".

Current paragraph 4.1(d)(2) specifies a static leakage test for the wheel and tubeless tire assembly requiring immersion in water after inflating the tire to an overpressure of 1.5 times the inflation pressure. There is no time limit given for the length of test and only a visual check for bubbles to de-

termine if there is leakage. A more efficient and stringent test is contained in paragraph 4.1(d)(3) *Diffusion test* which is required to determine if the wheel will hold inflation pressure. It is therefore proposed to delete the static test, paragraph 4.1(d)(2).

The current paragraph 4.2 requires that the wheel-brake system be tested in order to qualify for its kinetic energy ratings and that it must use the recommended operating medium in the tests. Since it has already been made clear that the operating medium must be used in the tests, those words in parentheses at the end of the last sentence in paragraph 4.2 may be deleted.

The last sentence in paragraph 4.2(a)(1) lists certain devices that affect deceleration, such as propeller reverse pitch, drag parachutes, and engine thrust reversers, that are not to be considered in determining kinetic energy. Since this information is used in the Method II analysis, it would be moved to paragraph 4.2(a)(1)(ii) which speaks to Method II.

There have been reported cases in which small aircraft brakes have worn out prior to require annual inspection periods. Incidents involving aircraft over-running runways at small airports have also been reported. Paragraph 4.2(a)(2) would be revised to require additional design landing stop tests for wheel-brake assemblies intended for use on such aircraft. The number of design landing stops would be increased from 35 to 100 with one change of brake lining and attached discs allowed.

Airframe manufacturers have stated that the current 6 ft./sec.^{2} deceleration specified in paragraph 4.2(a)(2) is often too low for modern transport category airplanes. Accordingly, they have proposed several methods for establishing higher, more appropriate decelerations. In a review of these methods, there is little evidence to indicate that the current 6 ft./sec.^{2} deceleration is inadequate as a minimum TSO performance requirement. While it is true that manufacturers of larger transport aircraft would like higher rates to satisfy accelerate-stop distance criteria, such rates above the 6 ft./sec.^{2} minimum can be selected if desired by the wheel-brake manufacturers, as a design limit and basis for TSO approval. To this extent, paragraph 4.2(a)(2) would be amended to require that FAR 25 wheel-brake assemblies be subjected to one accelerate-stop test at a minimum deceleration of 6 ft./sec.^{2}. In addition, the deceleration data would be included in the limitations data required by § 37.172(c)(1). With respect to landing stop decelerations, a minimum value would also be added for wheel-brake assemblies used on FAR 23, 25, 27 and 29 aircraft and the specific values obtained during the landing stop tests would be included in the data requirements under § 37.172(c)(1).

Paragraph 4.2(a)(3)(i) currently specifies that one change of brake lining and attached discs is permissible during the landing stop tests when determining the kinetic energy capacity (KE_{DL}) for wheel-brake assemblies. It is proposed to delete the words "and attached discs" since they redundant with respect to the definition of "brake lining" given in paragraph (iii). The last sentence of current paragraph 4.2(a)(3)(ii) states that the brakes must be usable to taxi the aircraft off the runway after the accelerate-stop tests. This requirement is not appropriate for a TSO since it involves an aircraft performance condition. However, to ensure that the intended usability of the brake assembly is retained, the requirement would be restated to require that the brake be usable following completion of the accelerate-stop test.

Paragraph 4.2(b) currently requires that a brake structural torque test be conducted; however, in the first sentence the applied load S is incorrectly identified as a radial load. Load S is a maximum static load as defined in paragraph 3(a)(1) of the TSO standard. The words "the radial" would therefore be removed. Application of torque load factors are identified in paragraphs (b)(1) and (2) where the letter R is currently defined as the normal "rolling" radius of a tire. The word "rolling" does not fully describe the condition of the tire required for the test, and would be replaced by the word "loaded". These same two paragraphs would be amended to make clear that rated inflation pressure of the tire is to be used in conducting the tests. In addition, since the footnote at the bottom of the present paragraph 4.2(b) is merely informational, it would be deleted.

Paragraph 4.2(c) requires that the brake with actuator piston extended to simulate a maximum worn condition must withstand a test hydraulic pressure equal to the greatest of three alternative test conditions. However, the hydraulic pressures resulting from conditions specified in paragraphs 4.2(c)(2) and (3) can in no way be greater than that in paragraph (1) and they may be less. It is therefore proposed to delete the substance of paragraphs (2) and (3).

Paragraph 4.2(d) requires that the hydraulic brake-wheel assembly be subjected to certain endurance tests. However, since only the brake assembly is involved, the word "wheel" would be deleted from "brake-wheel assembly" in the first and third sentences. Paragraph 4.2(d)(1) presently requires that a certain number of test cycles be performed at each of four piston positions; the requirement would be amended to make clear that the 25, 50, 75, and 100 percentages specified are percentages of the wear limit. Paragraph 4.2(d)(2) requires that for rotorcraft the hydraulic brake-wheel assembly must be subjected to 2,500 test cycles at a hydraulic pressure equal to the greatest of three alternative test conditions. However, since the hydraulic pressures resulting from conditions specified in paragraphs (d)(2)(i) and (d)(2)(ii) can be no greater than that specified in paragraph (d)(2)(iii), these three subparagraphs would be deleted and the information contained in (d)(2)(iii) included in paragraph (d)(2). The footnote at the bottom of paragraph 4.2(d) would be deleted as unnecessary.

Finally, a number of editorial or clarifying revisions to §§ 23.735, 25.735 and 37.172 are proposed which do not involve any substantive changes to the present requirements.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Parts 23, 25 and 37 of the Federal Aviation Regulations (14 CFR Parts 23, 25 and 37) as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

1. By amending § 23.735 by revising paragraph (a)(2) to read as follows:

§ 23.735 Brakes.

(a) • • •

(2) Instead of a rational analysis, the kinetic energy absorption requirements for each main wheel brake assembly may be derived from the following formula:

$$KE = 0.0442\ WV^2/N$$

where—

KE = Kinetic energy per wheel (ft.-lb.);
W = Design landing weight (lb.);
V = Airplane speed in knots. V must be not less than V_{S_0}, the poweroff stalling speed of the airplane at sea level, at the design landing weight, and in the landing configuration; and
N = Number of main wheels.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

2. By amending § 25.735(b) by inserting the words "or § 25.125, as applicable," between the reference to "§ 25.75" and the word "with" in the first sentence; by deleting the words "that section" at the end of the first sentence of paragraph (b) and inserting in place thereof the words "those sections".

3. By amending § 25.735 by revising paragraph (f)(2) to read as follows:

§ 25.735 Brakes.

* * * * *

(f) * * *

(2) Instead of a rational analysis, the kinetic energy absorption requirements for each main wheel brake assembly may be derived from the following formula, which assumes an equal distribution of braking between main wheels:

$$KE = 0.0442\ WV^2/N$$

where—

KE=Kinetic energy per wheel (ft.-lb.);
W=Design landing weight (lb.);
V=Aircraft speed (knots). V must be not less than Vs_0, the poweroff stalling speed of the airplane at sea level, at the design landing weight, and in the landing configuration; and
N=Number of main wheels.

The formula must be modified in cases of unequal braking distribution.

4. By amending § 25.735(g) by deleting the term "Vs_0" and inserting in place thereof the letter "V".

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

5. By revising § 37.172 to read as follows:

§ 37.172 Aircraft wheels and wheel-brake assemblies—TSO-C26c.

(a) *Applicability.* This Technical Standard Order prescribes the minimum performance standards that aircraft landing wheels and wheel-brake assemblies must meet in order to be identified with the applicable TSO marking. New models of such equipment which are to be so identified and which are manufactured on or after (the effective date of this amendment) must meet the requirements of the Federal Aviation Administration Standard for Aircraft Wheels and Wheel-Brake Assemblies set forth at the end of this section.

(b) *Marking.* In lieu of the marking requirements of § 37.7, the aircraft wheels and brakes must be legibily and permanently marked with the following information:

(1) Name of the manufacturer responsible for compliance.

(2) Serial number or date of manufacture or both.

(3) Part number.

(4) Applicable technical standard order (TSO) number.

(5) Size (this marking applies to wheels only).

All stamped, etched, or embossed markings must be located in non-critical areas.

(c) *Data requirements.* (1) In addition to the data specified in § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, in the region in which the manufacturer is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division), the following technical data:

(i) One copy of the applicable limitations pertaining to installation of wheels and brakes on aircraft, including the weight of the brake assembly, maximum static load rating, maximum limit load rating, maximum accelerate-stop kinetic energy in foot-pounds (KE_{RT}), design landing kinetic energy in foot-pounds (KE_{DL}), accelerate-stop deceleration in feet/second^2, design landing stop deceleration in feet/second^2, applicable speed as specified in paragraph 4.2(a)(1) of the FAA Standard for Aircraft Wheels and Wheel-Brake Assemblies, type of hydraulic fluid used, and the weight of the wheel.

(ii) One copy of the manufacturer's test report.

(2) Upon request of the regional office specified in paragraph (c)(1) of this section, the manufacturer must furnish the applicable maintenance instructions.

(d) *Previously approved equipment.* Wheels and wheel-brake assemblies approved prior to (the effective date of this amendment) may continue to be manufactured under the provisions of their original approval.

FEDERAL AVIATION ADMINISTRATION STANDARD FOR AIRCRAFT WHEELS AND WHEEL-BRAKE ASSEMBLIES

1. *Purpose.* This document contains minimum performance standards for aircraft landing wheels and wheel-brake assemblies.

2. *Design and construction.* (a) *Design.* (1) *Lubricant retainers.* Lubricant retainers must retain the lubricant under all operating conditions, prevent lubricant from reaching braking surfaces, and prevent foreign matter from entering the bearings.

(2) *Removable flanges.* All removable flanges must be assembled onto the wheel in a manner that will prevent the removable flange and its retaining device from eaving the wheel if a tire should deflate while the wheel is rolling.

(3) *Adjustment.* When necessary to assure safe performance, the brake mechanism must be equipped with suitable adjustment devices.

(4) *Water seal.* Wheels intended for use on amphibious aircraft must be sealed to prevent entrance of water into the wheel bearings or other portions of the wheel or brake, unless the design is such that brake action and service life will not be impaired by the presence of sea water or fresh water.

(5) *Explosion prevention.* Unless determined to be unnecessary, means must be provided to minimize the probability of wheel and tire explosions which result from elevated brake temperatures.

(b) *Construction.* (1) *Castings.* Castings must be of high quality, clean, sound, and free from blowholes, porosity, or surface defects caused by inclusions, except that loose sand or entrapped gases may be allowed when the serviceability of the casting has not been impaired.

(2) *Forgings.* Forgings must be of uniform condition, free from blisters, fins, folds, seams, laps, cracks, segregation, and other defects. If strength and serviceability are not impaired, imperfections may be removed.

(3) *Rim surfaces.* For wheels designed for use with a tire and inner tube combination, the surface of the rim between bead seats must be free from defects which would be injurious to the inner tube while mounting the tire or while in service.

(4) *Rim joints.* For wheels designed for use with a tire and inner tube combination, joints in the rim surface and joints between rim surfaces and demountable flanges must be smooth, closefitting, and noninjurious to the inner tube while mounting the tire, or while in service.

(5) *Rivets and bolts.* When rivets are used, they must be well headed over, and rivets or bolts coming in contact with the casing or tube must be smooth enough not to damage the tube or casing during normal operation.

(6) *Bolts and studs.* When bolts and studs are used for fastening together sections of a wheel, the length of the threads for the nut extending into and bearing against the sections must be held to a minimum; and there must be sufficient unthreaded bearing area to carry the required load.

(7) *Steel parts.* Wherever possible all steel parts, except braking surfaces and those parts fabricated from corrosion resistant steel, must be cadmium plated or zinc plated. Where cadmium or zinc plating cannot be applied, the surface must be thoroughly cleaned and suitably protected from corrosion.

(8) *Aluminum parts.* All aluminum alloy parts must be anodized or have equivalent protection from corrosion. This protection must include protection for fuse plug holes, valve stem holes, and other passages.

(9) *Magnesium parts.* All magnesium alloy parts must receive a suitable dichromate treatment or have equivalent protection from corrosion. This protection must include protection for fuse plug holes, valve stem holes, and other passages.

3. *Rating.* (a) Each wheel design must be rated for the following:

(1) S=Maximum static load in pounds (refs. §§ 23.731(b), 25.731(b),

27.731(b), and 29.731(b) of this chapter).

(2) L=Maximum limit load in pounds (ref. §§ 23.731(c), 25.731(c), 27.731(c), and 29.731(c) of this chapter).

(b) Each wheel-brake assembly design must be rated for the following:

(1) KE_{DL}=Kinetic energy capacity in foot-pounds per wheel-brake assembly at the design landing rate of absorption.

(2) KE_{RT}=Kinetic energy capacity in foot-pounds per wheel-brake assembly at the maximum accelerate-stop rate of absorption for wheel-brake assemblies of airplanes certificated under Part 25 of this chapter only.

4. *Qualification tests.* The aircraft wheels and wheel-brake assemblies must be tested as follows and the test data included in the applicant's test report required by paragraph (c)(1)(ii) of § 37.172.

4.1 *Wheel tests.* To establish the S and L ratings for a wheel, test a standard sample in accordance with the following radial, combined and static load test:

(a) *Maximum radial load test.* Test the wheel for yield and ultimate loads as follows:

(1) *Test method.* Mount the wheel, with a suitable tire of proper fit installed, on its axle, and position it against a flat nondeflecting surface. The wheel axle must have the same angular orientation to the nondeflecting surface that it will have to the runway when it is mounted on the aircraft and is under the maximum limit load. Inflate the tire to the pressure recommended for the S load with air or water. If water inflation is used, the water must be bled off to obtain the same tire deflection that would result if air inflation were used. Water pressure may not exceed the pressure which would develop if air inflation were used and the tire deflected to its maximum extent. Load the wheel through its axle perpendicular to the flat nondeflecting surface. Deflection readings must be taken at suitable points to indicate deflection and permanent set of the wheel rim at the bead seat.

(2) *Yield load.* Apply to the wheel a load not less than 1.15 times the maximum radial limit load, determined under §§ 23.471 through 23.511 or §§ 25.471 through 25.511, or §§ 27.471 through 27.505, or §§ 29.471 through 29.511 of this chapter, as appropriate. Apply the load with the wheel positioned against the nondeflecting surface, and the valve hole positioned at 90° with respect to the line between the center of the wheel and the point of contact, then with the valve hole positioned 180°, 270°, and 0° from the nondeflecting surface. The 90° increments must be altered to other positions if the other positions are more critical. Three successive loadings at the 0° position may not cause permanent set increments of increasing magnitude. The permanent set increment caused by the last loading at the 0° position may not exceed 5 percent of the deflection caused by that loading or 0.005 inches, whichever is greater. The bearing cups, cones, and rollers used in operation must be used for these loadings. There must be no yielding of the wheel such as would result in loose bearing cups, air or water leakage through the wheel or past the wheel seal, or interference in any critical areas.

(3) *Ultimate load.* Apply to the wheel a load, not less than 2 times the maximum radial limit load for castings and 1.5 times the maximum radial limit load for forgings, determined under §§ 23.471 through 23.511, or §§ 25.471 through 25.511, or §§ 27.471 through 27.505, or §§ 29.471 through 29.511 of this chapter, as appropriate. Apply the load with the same wheel positioned against the nondeflecting surface and the valve hole positioned at 0° with respect to the line between the center of the wheel and the point of contact. The wheel must be able to support the load without failure for at least 3 seconds. The bearing cones may be replaced with conical bushings, but the cups used in operation must be used for this loading. If at a point of loading during the test, it is shown that the tire will not successfully maintain pressure or if bottoming of the tire on the nondeflecting surface occurs, the tire pressure may be increased to no more than 2 times the rated inflation pressure. If bottoming of the tire continues to occur with this increased pressure, a loading block which fits between the rim flanges and simulates the load transfer of the inflated tire may be used. The arc of wheel supported by the loading block must be no greater than 60°.

(4) If the radial limit load in paragraph 4.1(b) is equal to or greater than the maximum radial limit in paragraphs 4.1(a) (2) and (3), the tests specified in paragraphs 4.1(a) (2) and (3) may be omitted.

(b) *Combined radial and side load test.* Test the wheel for the yield and ultimate loads as follows:

(1) *Test method.* Mount the wheel, with a suitable tire of proper fit installed, on its axle, and position it against a flat nondeflecting surface. The wheel axle must have the same angular orientation to the nondeflecting surface that it will have to the runway when it is mounted on the aircraft and is under the combined radial and side load. Inflate the tire to the pressure recommended for the maximum static load with air or water. If water inflation is used, the water must be bled off to obtain the same tire deflection that would result if air inflation were used. Water pressure may not exceed the pressure which would develop if air inflation were used and the tire deflected to its maximum extent. For the radial load component, load the wheel through its axle perpendicular to the flat nondeflecting surface. For the side load component, load the wheel through its axle parallel to the flat nondeflecting surface. The side load reaction must arise from the friction of the tire on the nondeflecting surface. Apply the 2 loads simultaneously, increasing them either continuously or in increments no larger than 10 percent of the loads to be applied. Alternatively, a resultant load equivalent to the radial and side loads may be applied to the axle. Deflection readings must be taken at suitable points to indicate deflection and permanent set of the wheel rim at the bead seat.

(2) *Yield load.* Apply to the wheel radial and side loads not less than 1.15 times the respective ground loads determined under §§ 23.485, 23.497, and 23.499, or §§ 25.485, 25.495, 25.497, and 25.499, or §§ 27.485 and 27.497, or §§ 29.485 and 29.497 of this chapter, as appropriate. Apply these loads with the wheel positioned against the nondeflecting surface, and the valve hole positioned at 90° with respect to the line between the center of the wheel and the point of contact, then with the valve hole positioned 180°, 270°, and 0° from the nondeflecting surface. The 90° increments must be altered to other positions if the other positions are more critical. Three successive loadings at the 0° position may not cause permanent set increments of increasing magnitude. The permanent set increment caused by the last loading at the 0° position may not exceed 5 percent of the deflection caused by that loading, or 0.005 inches, whichever is greater. The bearing cups, cones, and rollers used in operation must be used in this test. There must be no yielding of the wheel such as would result in loose bearing cups, air or water leakage through the wheel or past the wheel seal, or interference in any critical areas. A tire and tube may be used when testing a tubeless wheel only when it has been demonstrated that pressure will be lost due to the inability of a tire bead to remain properly positioned under the load. The wheel must be tested for the most critical inboard and outboard side loads.

(3) *Ultimate load.* Apply to the wheel radial and side loads not less than 2 times for castings and 1.5 times for forgings the respective ground loads determined under §§ 23.485, 23.497 and 23.499, or §§ 25.485, 25.495, 25.497 and 25.499, or §§ 27.485 and

27.497, or §§ 29.485 and 29.497 of this chapter, as appropriate. Apply these loads with the same wheel positioned against the nondeflecting surface and the valve hole positioned at 0° with respect to the center of the wheel and the point of contact. The wheel must be able to support the load without failure for at least 3 seconds. The bearing cones may be replaced with conical bushings, but the cups used in operation must be used for this loading. If at a point of loading during the test it is shown that the tire will not successfully maintain pressure or if bottoming of the tire on the nondeflecting surface occurs, the tire pressure may be increased to no more than 2 times the rated inflation pressure. If bottoming of the tire continues to occur with this increased pressure, a loading block which fits between the rim flanges and simulates the load transfer of the inflated tire may be used. The arc of wheel supported by the loading block must be no greater than 60°.

(c) *Maximum static load test.* Test the wheel for the maximum static load test as follows:

(1) *Test method.* Mount the wheel, with a suitable tire of proper fit installed, on its axle, and position it against a flat nondeflecting surface or a flywheel. The wheel axle must have the same angular orientation to the load surface that it will have to the runway when it is mounted on the aircraft and is under the maximum static load. Inflate the tire to the pressure recommended for the maximum static load "S". The radial load must be applied to the wheel through the axle and perpendicular to the load surface. The side load, when required, must be applied through the wheel axle and parallel to the load surface. For the side load, the wheel axle must be rotated or yawed to that angle which will produce a side load component equal to 0.15 "S" while the wheel is being roll tested.

(2) *Roll test.* The wheel must be tested under the loads and for the distances shown in Table I. At the end of the test there must be no cracks in the wheel and no leakage through the wheel or past the wheel seal, and the bearing cups may not be loosened in the hub.

TABLE I

Category of aircraft and load conditions	Roll distance (miles)
Part 25:	
Maximum static load, "S"	2,000
Maximum static load, "S" plus 0.15 "S" side load applied in outboard direction	100
Maximum static load, "S" plus 0.15 "S" side load applied in inboard direction	100

TABLE I—Continued

Category of aircraft and load conditions	Roll distance (miles)
Part 23:	
Maximum static load, "S"	1,000
Parts 27 and 29:	
Maximum static load, "S"	250

(d) *Pressure test.* Pressure test the wheel in accordance with the following:

(1) *Overpressure test.* The wheel must be hydrostatically tested to withstand without failure for at least 3 seconds application of an overpressure factor not less than 4.0 for Part 25 airplanes, 3.5 for Part 23 airplanes, and 3.0 for rotorcraft, times the rated inflation pressure determined by the applicant.

(2) *Diffusion test.* The tubeless tire and wheel assembly must hold the rated inflation pressure for 24 hours with no greater pressure drop than 5 percent. This test must be performed after the tire growth has stabilized.

4.2 *Wheel-brake assembly test.* A sample of a wheel-brake assembly design must meet the following tests to qualify the design for its kinetic energy ratings. The wheel of a wheel-brake assembly must be separately tested under paragraph 4.1. The wheel-brake assembly must be tested with the operating medium specified by the manufacturer.

(a) *Dynamic torque tests.* Test the wheel-brake assembly on a suitable inertia brake testing machine in accordance with the following:

(1) *Speed and weight values.* For airplanes, select either Method I or Method II below to calculate the kinetic energy level which a single wheel and wheel-brake assembly will be required to absorb. For rotorcraft, use Method I.

(i) *Method I.* Calculate the kinetic energy level to be used in the brake testing machine by using the equation:

$$KE = \frac{0.0442\ WV^2}{N}$$

Where—

KE = Kinetic energy per wheel-brake assembly (ft.lbs.);
W = Design landing weight (lbs.);
V = Aircraft speed in Knots. V must not be less than V_{S_0}, the power-off stalling speed of the aircraft at sea level, at the design landing weight, and in the landing configuration. For the accelerate-stop tests, applicable only to wheel-brake assemblies for airplanes certificated under Part 25 of this chapter, the manufacturer must determine the most critical combination of takeoff weight and speed; and
N = Number of wheels with brakes.

For rotorcraft, the manufacturer must calculate the most critical combination of takeoff weight and brake application speed to be used in the above equation.

(ii) *Method II.* The speed and weight values may be determined by other equations based on a rational analysis of the sequence of events expected to occur during operational landing at maximum landing weight. The analysis must include rational or conservative values for braking coefficients of friction between the tire and runway, aerodynamic drag, propeller drag, powerplant forward thrust, and, if critical, loss of drag credit for the most adverse single engine or propeller due to malfunction. Do not consider the decelerating effects of propeller reverse pitch, drag parachutes, and powerplant thrust reversers.

(2) *Test requirements.* The wheel-brake assembly must bring the inertia testing machine to a stop at the average deceleration, and for the number of repetitions, specified in Table II without failure, impairment of operation, or replacement of parts except as permitted in paragraph 4.2(a)(3):

TABLE II

Category of aircraft	Tests
Parts 23 and 25	KE_{DL}: 100 design landing stops at a deceleration selected by manufacturer but not less than 10 ft/sec².
Part 25	KE_{RT}: 1 accelerate-stop at a deceleration selected by manufacturer but not less than 6 ft/sec².
Parts 27 and 29	KE_{DL}: 20 design landing stops at a deceleration selected by manufacturer but not less than 6 ft/sec².

(3) *General conditions.* (i) During landing stop tests (KE_{DL}), one change of brake lining is permissible. The remainder of the brake assembly parts must withstand the 100 KE_{DL} stops without failure or impairment of operation.

(ii) During the accelerate-stop tests (KE_{RT}), brake lining and bare discs may be new or used. No less than two landing stop tests must have been completed on the brake prior to this test. The brake must be usable for taxi after the accelerate-stop test to KE_{RT}.

(iii) As used in this paragraph, "brake lining" is either individual blocks of wearing material or discs which have wearing material integrally bonded to them. "Bare discs" are plates or drums which do not have waring material integrally bonded to them.

(b) *Brake structural torque test.* Apply load S and a torque load specified in paragraph 4.2(b) (1) or (2), as applicable, for at least 3 seconds. Rotation of the wheel must be resisted by a

reaction force transmitted through the brake or brakes by an application of at least maximum brake line pressure or brake cable tension in the case of a nonhydraulic brake. If such pressure or tension is insufficient to prevent rotation, the friction surface may be clamped, bolted, or otherwise restrained, while applying the pressure or tension.

(1) For landing gears with only one wheel per landing gear strut, the torque load is 1.2 SR where R is the normal loaded radius of the tire at rated inflation pressure under load S.

(2) For landing gears with multiple wheels per landing gear strut, the torque load is 1.44 SR where R is the normal loaded radius of the tire at rated inflation pressure under load S.

(c) *Overpressure—hydraulic brakes.* The brake with actuator piston extended to simulate a maximum worn condition must withstand hydraulic pressure, for at least 3 seconds, equal to the following:

(1) For airplanes, 2 times the maximum brake line pressure available to the brakes.

(2) For rotorcraft, 2 times the pressure required to hold the rotorcraft on a 20° slope at design takeoff weight.

(d) *Endurance tests—hydraulic brakes.* The hydraulic brake assembly must be subjected to an endurance test during which the total leakage may not exceed 5cc. and no malfunction may occur during or upon completion of the test. Minimum piston travel during the test may not be less than the maximum allowable piston travel in operation. The tests must be conducted by subjecting the hydraulic brake assembly to—

(1) 100,000 cycles for airplanes, and 50,000 cycles for rotorcraft, of application and release of the average hydraulic pressure needed in the KE_{DL} tests specified in paragraph 4.2(a)(2) except that manufacturers using Method II in conducting the tests specified in paragraph 4.2(a)(2) must subject the wheel-brake assembly to the average of the maximum pressures needed in those tests. The piston must be adjusted so that 25,000 cycles for airplanes, and 12,500 cycles for rotorcraft, are performed at each of the four positions where the piston would be at rest when adjusted for 25, 50, 75 and 100 percent of the wear limit; and

(2) 5,000 cycles for airplanes, and 2,500 cycles for rotorcraft at the maximum system pressure available to the brakes.

(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 11.45.)

NOTE.—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044, and set forth in proposed "Department of Transportation regulatory Policies and Procedures" published in the FEDERAL REGISTER June 1, 1978 (43 FR 23925).

Issued in Washington, D.C., on November 29, 1978.

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

[FR Doc. 78-33962 Filed 12-6-78; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 782 3023]

GENERAL MILLS FUN GROUP, INC.

Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Minneapolis, Minn. subsidiary of General Mills, Inc. to cease in the advertising and sale of its toy products, misrepresenting or failing to make relevant disclosures regarding the performance, operation, use, size or appearance of such products through visual portrayals, descriptions, or commercial production techniques. General Mills, Inc. would also be bound by the terms of the order.

DATE: Comments must be received on or before February 2, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

William S. Sanger, Assistant Director For Division Of Compliance, Federal Trade Commission, 1726 M St., NW., Washington, D.C. 20580. (202) 254-6128.

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

[File No. 782 3023]

GENERAL MILLS FUN GROUP, INC.

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

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

It is hereby agreed by and between General Mills Fun Group, Inc., by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, that:

1. Proposed respondent General Mills Fun Group, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Nevada, with an office and place of business located at 9200 Wayzata Boulevard, Minneapolis, Minnesota.

Proposed respondent General Mills Fun Group, Inc., is a wholly-owned subsidiary of General Mills Inc., a corporation, and is comprised of several divisions, including among others, Kenner products.

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

3. Proposed respondent waives:

(a) Any further procedural steps;

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

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

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or reviews submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(d) of the Commission's Rules, the Commission may, without further

notice to proposed respondent (1) issue its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the decision containing the agreed-to order to proposed respondent's business address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent had read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

It is hereby further agreed by and between General Mills, Inc., by its duly authorized officer and its attorney and counsel for the Federal Trade Commission, that General Mills, Inc. has read the proposed complaint and order contemplated hereby and that General Mills, Inc. shall be bound by the terms of the order as set forth in the following order.

ORDER

For the purposes of this Order:

1. The compression of a television commercial into a short time span shall not be considered a violation of this Order so long as it does not result in the misrepresentation to children of the toy's performance or operation.

2. The term "children" shall mean the age group or age groups of children as shown on the packaging for whom the manufacturer recommends use of the toy.

3. The effectiveness of any oral or written disclosure, disclaimer or qualification of any visual portrayal or oral or written description shall be considered in determining whether the advertisement, as a whole, misrepresents to children the toy's performance, operation, size or appearance.

4. The term "commercial production technique" shall include, but not be limited to, the use in commercial production of prototypes or other non-production or modified versions of a toy, controlled action sequences, mechanical or human assistance to child actors in actuating or manipulating the toy during or prior to commercial production, the use of special camera lenses or film or audio techniques, including video or audio overlays or the like, and the use of splicing or editing techniques.

5. The use of "commercial production techniques" shall not be considered a violation of this Order so long as they do not result in the misrepresentation to children of the toy's performance, operation, size or appearance.

I

It is ordered, That General Mills Fun Group, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, sale, offering for sale or distribution of toys or related products (hereinafter referred to as "toys"), in or affecting commerce, cease and desist from, directly or indirectly, portraying or describing in an advertisement the performance, operation, use, size, appearance, components or similar characteristic of such toy by or through the use of:

A. Any visual portrayal or oral or written description of the performance or operation of a toy in any manner which cannot be duplicated by children in the ordinary use of such toy.

B. Any use of commercial production technique that results in any visual portrayal or oral or written description which, in the context of the advertisement as a whole, misrepresents to children a toy's performance, operation, size or appearance.

C. Any visual portrayal or oral or written description of the performance or operation of a toy which fails to disclose to children the need for human or mechanical assistance, when such failure, in the context of the advertisement as a whole, mispresents to children such toy's performance or operation.

II

It is further ordered, That respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

III

It is further ordered, That General Mills, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, employees directly or through any corporation, subsidiary (other than General Mills Fun Group, Inc.), division or other device, shall be bound by the terms of this Order in the event it engages in the advertising of toys, in or affecting commerce, excluding those advertisements for toys not manufactured by or for General Mills, Inc. and those advertisements relating to the use of toys as premiums in connection with the sale of non-toy products.

It is further ordered, That General Mills, Inc., a corporation, shall be liable for any penalties or other legal or equitable relief which arise or could have arisen from any suit based on any alleged violation of this Order committed by any subsidiary, division or other device of General Mills, Inc. subject to this Order (hereafter "company"), or by their officers, representatives or employees, while such company was owned by General Mills, Inc., if, for any reason, such as sale, dissolution, merger, reorganization, insolvency or termination, the company is not amenable to suit or the execution of full judgment.

GENERAL MILLS FUN GROUP, INC.

[File No. 782 3023]

ANALYSIS OF PROPOSED ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from General Mills Fun Group, Inc., under Section 5 of the FTC Act. This company is a wholly-owned subsidiary of General Mills, Inc.

The proposed consent has been placed on the public record for a period of sixty (60) days for reception of comments by interested parties and the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

I. *Introduction.* This matter concerns three television advertisements broadcast by Kenner Products, a division of General Mills Fun Group, Inc. The first advertisement is for "Nugget," a ten-inch high toy horse which is an accessory to the "Dusty" doll, also sold by Kenner Products. In this commercial, two young girls are shown playing with one "Nugget" and one "Dusty." The second advertisement is for "Lightnin' TTP," a launcher and car set. Here, three boys are shown playing with three launcher and car sets and they perform several stunts with the cars. The third advertisement is for "TTP Trouble Patrol," which consists of a launcher, a car, a motorcycle and some accessories. In this advertisement, two boys are shown playing together with one "Trouble Patrol" set and they perform several stunts with the car and motorcycle.

II. *The Proposed Complaint.* The proposed Section 5 complaint contains three charges of unfair or deceptive acts or practices. Paragraph Seven alleges that the three challenged advertisements contain the following representations:

1. That "Nugget" will stand without any human assistance or mechanical aid.

2. That a child can exercise a high degree of control over the speed and direction of the "Lightnin' TTP" car when it is launched from the "Lightnin' TTP" launcher and thereby can perform certain acts or series of acts with the "Lightnin' TTP" car as shown in one of the challenged advertisements.

3. That a child can exercise a high degree of control over the speed and direction of the "TTP Trouble Patrol" motorcycle and car when they are launched from the "TTP Trouble Patrol" launcher and thereby can perform certain acts or series of acts as shown in one of the challenged advertisements.

Paragraph Eight alleges that these representations are false and that, in truth and in fact, "Nugget" cannot stand by itself and a child cannot exercise a high degree of control or perform the depicted acts with the "Lightnin' TTP" set or the "TTP Trouble Patrol" set. Paragraph Eight further alleges that the representations referred to in Paragraph Seven are deceptive and/or unfair.

III. *The Proposed Consent Order.* The proposed consent order contains the following paragraphs which prohibit General Mills Fun Group, Inc. from using certain practices when it advertises toys.

PARAGRAPH I(A)

Paragraph I(A) prohibits the use of any portrayal or description of a toy's performance which cannot be duplicated by children in the ordinary use of the toy.

PARAGRAPH I(B)

Paragraph I(B) prohibits the use of any filming, production or editing technique which results in the misrepresentation to children of the toy's performance, operation, size or appearance.

PARAGRAPH I(C)

Paragraph I(C) prohibits the use of any portrayal or description of the performance of a toy which does not disclose to children that the toy needs human or mechanical assistance when such lack of disclosure results in the misrepresentation to children of the toy's performance or operation.

REMAINING PARAGRAPHS OF THE ORDER

Section II of the proposed order contains standard language required in most Commission orders. These provisions enable the Commission to determine whether the order is being complied with.

Section III of the proposed order contains two paragraphs which bind the parent company, General Mills, Inc. The first paragraph provides that if General Mills, Inc. does any toy advertising in the future, it will be bound by the order. The second paragraph holds General Mills, Inc. under certain circumstances to be liable for the actions of its subsidiaries which are under the proposed order.

IV. *Conclusion.* The purpose of this analysis is to aid public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-34141 Filed 12-6-78; 8:45 am]

[6750-01-M]

[16 CFR Part 457]

STANDARDS AND CERTIFICATION

Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule would establish prohibitions and requirements for standards developers, certifiers, and persons who reference standards or certifications in the marketing of products.

This notice sets out the rulemaking procedures to be followed, the text of the proposed rule, a list of general questions upon which the Commission particularly desires comment and testimony, an invitation for written comments, and instructions for prospective witnesses and other persons who desire to testify or otherwise participate in the proceeding.

DATES: Notification of interest in questioning witnesses must be submitted on or before March 2, 1979.

Written comments must be submitted on or before March 16, 1979.

Prepared statements of witnesses and exhibits (if any) must be submitted on or before March 26, 1979 for witnesses at the San Francisco hearings and April 30, 1979 for witnesses at the Washington, D.C. hearings.

Public hearings commence at 9:00 a.m. on April 16, 1979 in San Francisco and at 9:00 a.m. on May 21, 1979 in Washington, D.C.

ADDRESSES: Notifications of interest, written comments, prepared statements of witnesses and exhibits should be submitted, when feasible and not burdensome, in five copies, to Henry B. Cabell, Presiding Officer (PU), Federal Trade Commission, Washington, D.C. 20580, 202-724-1045. The public hearings will be held in Room 15022, Federal Building, 450 Golden Gate Avenue, San Francisco, California and in Room 332, Federal Trade Commission Building, Pennsylvania Avenue and 6th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Robert J. Schroeder, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-523-3936.

SUPPLEMENTARY INFORMATION: The proposed rule would apply to the development and use of product standards, to the related activity of product certification, and to the referencing of product standards and use of certifications by sellers in the marketing of their products. The proposed rule requires standards developers to notify specified classes of persons of a standards development proceeding. The notice must describe the proposed action in sufficient detail to enable persons to determine whether they should participate in the proceeding. A general right to participate in all phases of standards proceedings is established. The proposed rule requires standards developers and certifiers to disclose any serious hazards that are not immediately apparent to users. The rule also establishes a redress system that private parties can use to challenge unfair, deceptive or anticompetitive standards. Certain product standard areas are proposed as exempt from the rule, including food and drug standards and certain certifier test methods. In addition, comment is specifically requested as to whether procedural, challenge, and other rights and benefits should be granted only to persons from countries which grant reciprocal rights to United States interests. Nonproduct standards, such as standards of professional competence or financial accounting standards, are considered beyond the scope of this proceeding.

Private standards development and certification activities are in the nature of an intermediate service in commerce. Standards and certifications are relied on extensively in commerce to facilitate communication between sellers and buyers, promote the interchangeability of products and components, transfer technology, assure the safety, fitness and energy efficiency of products, and help achieve efficiencies in design, production and inventory. Despite these benefits, standards development and certification activities have frequently caused or contributed to substantial consumer and competitive injuries. The injuries include, among others, denial to consumers of the benefits of superior or lower cost technology denial to businesses of the opportunity to enter and compete in profitable industries, inadequate product safety levels, unnecessary costs, and failure to provide for disclosure of important porduct hazard or use information.

The following discussion is intended only to highlight the major provisions of the proposed rule, and to explain the reasons for the rule provisions and their anticipated effect. The full staff report contains a detailed analysis of the proposed rule and the reasons for each rule provision. Copies of the staff report are available in Room 130, Public Reference Room, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, and may be obtained in person or by mail.

Subpart A sets forth the rule's scope and defines relevant terms.

Subpart B imposes procedural safeguards on the standards development process and creates a framework for principled decision-making. Section 457.3 requries that the standards developer establish and follow written procedures. Section 457.4 requires that the standards developer notify specified persons 30 days prior to commencement of any proceeding to develop, revise or withdraw a standard. This notification must contain information describing the purpose of the proceeding and how interested persons may participate. The information that standards developers currently include in their general notices is insufficient to permit persons to make an informed decision as to whether they want to participate in the proceeding.

Section 457.4 requires that the standards developer also notify specified persons of its intention to adopt, revise, or withdraw a standard at least 60 days prior to a final decision. This notification must contain, among other items, a copy or summary of the proposal, and a statement of the

major substantive disputes that occurred during the proceeding and the reasons these disputes were decided as they were. The purpose of this requirement is to provide interested parties with enough information to judge the action prior to reliance on the standard in the market. The statement of major disputes and the reasons for decisions on them is intended to aid interested parties in formulating their input into the process. The section also requires that the standards developer notify specified persons 30 days prior to the effective date of the action.

The time limits that are set throughout the section are necessary to enable recipients of the notices to make use of the information provided. These time limits do require that a standards developer will spend a certain minimum amount of time in the standards proceeding; however, this will not slow the process, as most proceedings appear to take far longer.

The proposed rule specifies classes of persons that must receive notice. These classes include producers, institutional and individual consumers, government procurement and code officials, certifiers, environmental and energy conservation groups and others who may have an interest in the proceeding. Standards developers have often failed to give adequate consideration to all interested parties. To preclude full participation by interested parties is to run the risk of making a dicision on incomplete data and without consideration of all viewpoints on critical issues.

It is expected that direct mailings will be the dominant mode of providing the required notice to all interested persons, although the standards developer is free to use other means to achieve actual notice to the required parties. The notice provisions in this section may impose some costs associated with printing and mailing. The costs are limited, however, by the restricted universe of recipients. The provision may also, in some instances, permit fewer notices than are currently provided.

Section 457.5 establishes a general right to participate in all phases of all standards proceedings to all persons. The term participate includes such things as direct involvement in oral deliberations, submission of written materials, and receipt of agenda and minutes. The purpose of the requirement is to expand the universe of inquiry by ensuring that all interests have the opportunity to present their arguments during a standards development proceeding.

Sections 457.6 and 457.7 create a complaint mechanism which private parties can use if they believe that they are being harmed by unfair, deceptive or anticompetitive standards. Section 457.6 permits a complainant to test standards against the following basic principles:

1. Standards should have logical and technical justification in light of their stated or implied policy goals;

2. Standards should not exclude products that are equivalent to products not excluded;

3. Rather than excluding products, standards developers should choose the least restrictive alternative, i.e., one which preserves or increases buyer options and the opportunity of sellers to compete;

4. Standards should avoid raising false presumptions that two or more conforming products are homogeneous in performance or safety;

5. Standards should not be drawn to cause misreliance that results in economic loss to buyers or exposes product users to unforeseen risks.

While the notice and participation requirements of the proposed rule do provide that all viewpoints may be heard, they do not guarantee that the decision will reflect consumer protection and competition policies. The purpose of § 457.6 is to enable private parties to raise these issues to a standards developer and receive consideration. The standards developer is required under § 457.7 to take appropriate action when a complainant prevails in a challenge under § 457.6. Appropriate action consists of actions necessary to cure the harm and must be completed within a reasonable time period. If a standards developer determines that it is not required to take appropriate action, it must notify the complainant of the reason for the decision, and of the existence of an appeal board established under § 457.10 of the proposed rule.

Section 457.8 requires that every standard that is promulgated must disclose its intended scope, and warn of any serious hazards or limitations in conforming products that are not immediately apparent to users. These disclosures are intended to insure informed use of standards and guard against deception and misreliance that might occur in their absence.

Section 457.9 imposes a recordkeeping obligation on standards developers. The provision merely requires retention of written materials compiled in the course of a proceeding. Records would be open to the public.

Section 457.10 requires the standards developer to establish an impartial appeal board to hear disputes relating to procedural matters, or to unfair, deceptive or restrictive standards. Under the section the standards developer cannot unreasonably refuse to abide by appeal board decisions.

Section 457.11 sets out several categories of standards and standards development activities that are being proposed as exemptions under the rule. They include certain certifier test methods and standards relating to food, drugs, and other products regulated by the Food and Drug Administration. The exemptions generally reflect an intent either to shield certain standards development activity from procedural or other rule burdens, or to limit the scope of the rule. The rule proceeding will attempt to discern the proper scope of the exemptions, in light of existing practices, costs, and the public interest. One of the questions on which comment is specifically requested is whether an exemption should be included which would limit the ability of a person from a foreign country to exercise rights created by the rule if similar rights were not granted to United States interests in their country.

Subpart C sets out the duties of certifiers. Section 457.12 requires the certifier to use standards properly by following the requirements in the standards and any later requirements issued by the standards developer. Further, under § 457.12 the certifier must require a seller who uses its seal of approval to disclose specified information on or near the seal. The disclosure must include a statement of the product attributes that are covered by the certification, and a statement warning of any serious risks or limitations associated with use of the product which are disclosed in standards as required by § 457.8.

In addition, the section requires a certifier to take action against producers that abuse its seal or listings. This can occur, for example, when products represented as being certified do not comply with relevant standards. The certifier's action may consist of withdrawal of the certification, probation, retesting or other appropriate action. A certifier that has knowledge that a standard it is using in certification violates the § 457.6 complaint criteria must request action on it by the standards developer. The required disclosures and obligations are intended to prevent uninformed use of a product and to prevent deception and consumer misreliance.

Section 457.13 applies only to certifiers who are relied on to such an extent in a market that they, in effect, control access of products to that market. The section prohibits granting or denying certification, or discriminating in the quality of service, based on such factors as a producer's trade association membership, size of the producer, product origin, and whether a product is intended for retrofit rather than installation as original equipment.

The section also prohibits certifiers from imposing test requirements that

are unnecessary in terms of buyer expectations. Superfluous retesting requirements on products tested by competent laboratories or on product changes that do not affect safety or performance are also prohibited. One other requirement for certifiers subject to § 457.13 is that they establish an impartial appeal board to hear disputes relating to duties under that section.

If a certifier refuses to do business with one producer, but not other producers of the same product, the first producer will be excluded from markets that require the certification. Even if the certification is not an absolute requirement, the excluded producer will have a marketing disadvantage to the extent that buyers view the absence of certification as connoting an inferior or unsuitable product. The purpose of the prohibition is to eliminate unfair discrimination in the certification process and thereby expand producer and consumer options.

Section 457.14 imposes a recordkeeping obligation on certifiers. The provision requires that the certifier keep records relating to the certification of individual products, as well as any complaints it receives about deceptive or otherwise improper use of its seal of approval by sellers. The records must be made available to a client in a certification action for inspection and copying. Records are not required to be made available to the general public because of the need to protect trade secrets. The recordkeeping provisions should not be unduly burdensome in that it appears to follow current certifier practices.

Section 457.15 sets forth several categories of certification that are being proposed as exemptions under the rule. These include, among others, certifications relating to food, drugs, and other products regulated by the Food and Drug Administration, and representations such as endorsements which consumers are likely to believe are subjective or not based on controlled testing.

One of the questions on which comment is specifically requested is whether an exemption should be included which would limit the ability of a person from a foreign country to exercise rights created by the rule if similar rights were not granted to United States interests in their country.

Subpart D, § 457.16, sets forth requirements for the impartial appeal board that must be established by standards developers and certifiers pursuant to §§ 457.10 and 457.13(e) respectively. It outlines certain requirements that the appeal board must observe to ensure that the parties are given a fair hearing. These include, among others, that the board be independent of the sponsoring organizations and that members have no conflicts of interest relating to the appeal. The appeal board must render a decision within 60 days of its receipt of a complaint.

Subpart E, § 457.17, contains several prohibitions and requirements applying to sellers who represent conformance with standards in the marketing of their products. It requires the marketer to disclose information relating to product attributes covered by the standard and any product hazards or limitations. It prohibits the marketer from marketing a product in a manner contrary to requirements contained in the standard or imposed by the certifier. The purpose of the provision is to ensure that standards are complied with, and that buyers receive the information required in other sections of the rule.

SECTION A. PROPOSED TRADE REGUALTION RULE

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, *et seq.*, the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, *et seq.*, and section 553 of subchapter II, Chapter 5, U.S. Code (Administrative Procedure), has initiated a proceeding for the promulgation of a trade regulation rule concerning the development of standards, certification of products, and use of standards and certifications in marketing.

Accordingly, the Commission proposes the following Trade Regulation Rule and would amend Subchapter D, Trade Regulation Rules, Chapter I of 16 CFR by adding a new Part 457 as follows:

PART 457—STANDARDS AND CERTIFICATION

Subpart A—Scope and Definitions

Sec.
457.1 Scope.
457.2 Definitions.

Subpart B—Standards

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457.4 Notice.
457.5 Participation.
457.6 Duty to act.
457.7 Appropriate action.
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Subpart C—Certification

457.12 General certifier duties.
457.13 Additional certifier duties.
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Subpart D—Appeal Board

457.16 Appeal board.

Subpart E—Marketing

Sec.
457.17 Use of standards and certifications.

Subpart F—Notes

AUTHORITY: 38 Stat. 717, as amended, 15 U.S.C. 41, *et seq.*

Subpart A—Scope and Definitions

§ 457.1 Scope.

(a) This part shall apply to the development of standards, the certification of products, and the use in marketing of standards and certifications, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, 15 U.S.C. 41, *et seq.*

(b) It is an unfair method of competition and an unfair or deceptive act or practice, within the meaning of section 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1), for any standards developer, certifier, or marketer to violate any applicable provision of this part.

§ 457.2 Definitions.

(a) *Certification.* The grant of a form of approval, as well as the process on which the grant (or denial) is based. The process may include sampling, testing, inspection, followup, and related activities. Certification does not include self-certification, or official governmental acts.

(b) *Certifier.* A person who engages in the process of granting forms of approval. Certifier does not include a governmental entity acting in its official capacity.

(c) *Evidence.* Materials of any kind or written arguments (whether or not accompanied by supporting materials), that are offered in support of a proposition.

(d) *Form of approval.* A seal, statement of conformance, label, classification, listing in a directory, and any other affirmation that a product complies with, or performs in a specified manner in relation to, a standard or other requirement.

(e) *Marketer.* A manufacturer, wholesaler, retailer, or other person who engages in marketing.

(f) *Marketing.* The sale, offering for sale, advertising, or promotion of products.

(g) *Person.* An individual, proprietorship, partnership, corporation, association, federal, state, and local government agency, and any other entity.

(h) *Product.* A finished product, components, equipment, materials, and lighting, heating or other systems. The term includes both personal and real property, and any other consumer or producer good.

(i) *Recognized area of competence.* A product area in which the standards developer holds itself out as competent to do business, or in which persons who rely on the standards devel-

oper would reasonably recognize it as competent to do business.

(j) *Request for action.* Any written communication to an officer or director of a standards developer, or to the chairman or other officer of a standards development committee, which calls into question a standards developer, or lack of a standard within the standards developer's recognized area of competence, and which requests the standards developer to change its position with respect to the matter called into question. Requests may relate to matters under consideration in a standards development proceeding under §§ 457.4 and 457.5.

(k) *Self-certification.* Affirmation by the marketer of a product that the product complies with, or performs in a specified manner in relation to, a standard or other requirement.

(l) *Standard.* A prescribed set of conditions or requirements, or portion thereof, applicable to any product in any market, established by agreement among buyers, sellers, professional groups, standards developers, certifiers, or others. A standard may include definitions; methods of test; specifications for performance, design, construction, or composition; classifications; disclosures; guides; codes; and recommended practices. Standard does not include standards which are prepared by one manufacturer or marketer solely for its own procurement, production, or marketing purposes. See § 457.11 Exemptions.

(m) *Standards developer.* A person that develops standards, sponsors the activity of developing standards, or promulgates standards. Standards developer does not include a governmental entity acting in its official capacity.

(n) *Standards development.* The process of development and promulgation of standards. The term includes notice, committee selection, development, review, balloting, resolution of negative votes, adoption, veto, subsequent revision, withdrawal, and all related activities. Standards development does not include official governmental acts.

(o) *Testing.* Evaluation, inspection, controlled experiments, and other methods for determining whether or not a product complies with, or performs in a specified manner in relation to, a standard or other requirement.

Subpart B—Standards

§ 457.3 Written procedures.

(a) The standards developer shall establish operating procedures to implement and administer the requirements of this subpart.

(b) The procedures shall be written and made available without charge to any person upon request.

(c) The standards developer shall follow its procedures.

§ 457.4 Notice.

(a) *Notice of proceeding.* The standards developer shall provide notice of intent to develop, revise or withdraw a standard to those persons specified in paragraph (d) of this section, except in instances in which only employees of the standards developer who have no commercial interest in the matter under consideration will participate. The notice shall be provided at least 30 days prior to commencement of the proceeding. The notice shall contain; at a minimum, a statement of the subject matter and type of action proposed to be taken, reasons for the proceeding, and a summary of the rules and time limits for participation.

(b) *Notice of proposed decision.* The standards developer shall provide notice of intent to make a final decision on adoption, revision or withdrawal of a standard to those persons specified in paragraph (d) of this section. The notice shall be provided at least 60 days prior to the final decision. The notice shall contain, at a minimum, a copy or summary of the proposal, a statement of the major substantive disputes that occurred and the reasons these disputes were decided as they were, likely effects on the classes listed in paragraph (d)(2) of this section, and a summary of the rules and time limits for comment or other participation.

(c) *Notice of final decision.* The standards developer shall provide notice of final decision on adoption, revision or withdrawal of a standard to those persons specified in paragraph (d) of this section. The notice shall be provided 30 days prior to the effective date of the action. The notice shall contain, at a minimum, a copy or summary of the standard, a statement of the major substantive disputes that occurred and the reasons these disputes were decided as they were, likely effects on the classes listed in paragraph (d)(2) of this section, a statement that all persons have the right of access to the records of the proceeding, and a statement explaining how requests for action in accordance with § 457.6 may be made.

(d) Notices required by paragraphs (a), (b), and (c) of this section shall be provided to the following:

(1) All persons requesting notice;

(2) A representative of each of the classes listed below that is likely to be affected by the action and of any other class that is likely to be affected by the action. Representatives shall be selected on the basis of such factors as their interest in the matter, the likelihood that they will participate, and their competence to adequately represent the interest of the class:

(i) Producers (and importers, if foreign producers are not represented) of products covered by the standard, and producers of competing products. The representatives shall be selected to reflect the range of products and competing products, production processes, size of producers, and other variations within the industry;

(ii) Individual consumers, and consumer groups;

(iii) Institutional and industrial consumers;

(iv) Federal, state, and local procurement officials;

(v) Other persons in the chain of distribution, such as retailers;

(vi) Federal, state, and local building code and other officials who have regulatory jurisdiction over products covered by the standards;

(vii) Environmental groups;

(viii) Energy conservation groups;

(ix) Certifiers.

(3) Representatives of classes may be chosen from those requesting notice under paragraph (d)(1) of this section. All representatives shall be informed that the notice to them is intended to serve as notice to a class that shall be defined as specifically as practicable.

§ 457.5 Participation.

(a) Except as provided in paragraphs (b) and (c), the standards developer shall provide to all persons equal opportunity to participate in all phases of all standards proceedings.

(b)(1) The requirements of paragraph (a) of this section shall not apply to:

(i) A phase of a standards proceeding in which the only participants are employees of the standards developer who have no commercial interest in the matter under consideration;

(ii) A final decision on adoption, revision or withdrawal of a standard (following issuance of a notice under § 457.4(b)) which is made by a board or committee composed of at least one representative of each interest (e.g., producer, small business, consumer, government regulatory, government procurement, environmental, other) affected by the action.

(2) Notwithstanding paragraph (b)(1) of this section, no person shall be denied the right to present written materials at any point in the proceeding.

(c) When the number of persons requesting participation is so large as to be unmanageable, the standards developer may identify classes of persons with the same or similar interests in the proceeding and select a representative or representatives to exercise attendance and oral participation rights on behalf of each such class.

§ 457.6 Duty to act.

(a) The standards developer shall determine under paragraph (b) of this section whether it has a duty to act whenever it receives a request for

action accompanied by substantial evidence (Note 1) that one of its standards, proposed standards, interpretations, acts or practices, or lack of a standard within its recognized area of competence (hereinafter its "position"):

(1) Raises prices or excludes products (Note 2) and lacks factual basis (Note 3); or

(2) Excludes a product that is at least equivalent under actual use conditions to one or more products not excluded (Note 4); or

(3) Excludes a product that is inferior under actual use conditions to one or more products not excluded; and that there is a less restrictive alternative (Note 5); or

(4) Discriminates against a product that is superior under actual use conditions to other products that meet the requirements of the position, by leading reasonable buyers to assume that the product is not superior (Note 6); or

(5) Misrepresents product attributes to reasonable buyers, where such misrepresentations would affect their purchasing decisions (Note 7).

(b) Whenever the standards developer receives a request for action that satisfies the requirements of paragraph (a) of this section, it shall take appropriate action under § 457.7 unless it has substantial evidence on the record as a whole (Note 8):

(1) Where the request has met the requirements of paragraph (a)(1) of this section, that the position is not raising prices or excluding products, or that there is factual basis for the position (Note 9); or

(2) Where the request has met the requirements of paragraph (a)(2) of this section, that the position is not excluding the product, or that the excluded product is not at least equivalent under actual use conditions to products that are not excluded by the position; or

(3) Where the request has met the requirements of paragraph (a)(3) of this section, that the position is not excluding the product; or that the suggested alternative is not less restrictive or cannot be implemented; or that the excluded product is one which a reasonable person would not purchase or which presents an unreasonable risk of injury (Note 10); or

(4) Where the request has met the requirements of paragraph (a)(4) of this section, that the product is not superior under actual use conditions to other products that meet the requirements of the position, or that the position does not lead reasonable buyers to assume that the product is not superior; or

(5) Where the request has met the requirements of paragraph (a)(5) of this section, that the position does not misrepresent product attributes to reasonable buyers; or that the misrepresentation(s) would not affect the purchasing decisions of reasonable buyers; or

(6) That the higher prices, product exclusions or misreliances complained of are *de minimis;* except that this rebuttal shall not be available where the cost of corrective action is less than the magnitude of the injury (Note 11).

(c)(1) When the standards developer determines under paragraph (a) or (b) of this section, that it does not have a duty to act, it shall notify the requester of its decision and the specific reasons therefor and of the existence of the appeal board established pursuant to § 457.10.

(2) The standards developer's determination under paragraph (a) of this section and, where applicable, paragraph (b) of this section, and either the paragraph (c)(1) of this section notification or commencement of appropriate action, shall occur within 60 days of the receipt of the request. Where complainant offers additional evidence on the same request within the 60 day period, the standards developer shall have such additional time as necessary to complete the review of the evidence, but in no case shall the additional time exceed 60 days from the receipt of the additional evidence.

§ 457.7 Appropriate action.

When the standards developer has a duty to take appropriate action under § 457.6(b), it shall take such actions which appear from the record to be necessary to correct or prevent higher prices or product exclusions, or to cure misrepresentations, to the extent that such actions are supported by showings under § 457.6(a) and are not rebutted by showings under § 457.6(b). Appropriate action shall be completed within a reasonable period [Note 12].

(b) When withdrawal of a standard is the appropriate action, the standards developer shall withdraw by issuing a notice complying with § 457.4(c) within 60 days of receipt of the request.

(c)When development or revision of a standard is the appropriate action, the standards developer shall, within 60 days of receipt of the request:

(1) Commence development or revision in compliance with §§ 457.4 and 457.5, prepare a timetable for completion of the action, and include the timetable in all notices provided under § 457.4; or

(2) Issue a notice complying with paragraph (e) of this section.

(d) Whenever the standards developer, under paragraph (c)(1) of this section, undertakes development or revision of a standard and then determines that it cannot complete such effort in accordance with its paragraph (c)(1) of this section timetable, it shall issue a notice complying with paragraph (e) of this section.

(e) A notice required under paragraph (c)(2) or (d) of this section shall be provided to the persons described in § 457.4(d) an shall contain the following:

(1) The designation of the standard (if a standard exists), and a description of the product area in which the harm is occurring and the attributes that are or would be addressed by the standard [Note 13].

(2) A statement of the problem and harm alleged;

(3) A statement of the course of action determined to be appropriate, and a description of any action taken to date;

(4) As applicable, a statement that the standards developer has elected not to undertake a development or revision effort, or that it is unable to complete the effort in accordance with its paragraph (c)(1) of this section timetable;

(5) A list of standards in the product area, and a statement that the listed standards are withdrawn and should no longer be considered as falling within the standards developer's recognized area of competence and that persons who do or would rely on them should determine the acceptability of products on some other basis.

(f) The standards developer shall withdraw by issuing the paragraph (e) notice, and shall cease distributing any of its standards required to be listed under paragraph (e)(5) of this section, and shall cease representing in any way that such standards and the product area in which the harm is occurring are within its area of competence.

(g) Notwithstanding paragraphs (e)(5) and (f) of this section, a standards developer that has determined that it cannot complete a development or revision of a standard in accordance with its paragraph (c)(1) timetable may continue the action after the expiration of the timetable without withdrawing from the product area involved if:

(1)(i) There has been a reasonable attempt to complete the action within the paragraph (c)(1) timetable;

(ii) There has been substantial progress towards completing the action; and

(iii) There is a high degree of certainty that the action will be completed within 60 days; and

(2) The notice required by paragraph (d) of this section provides, in addition to the information required by paragraphs (e)(1)(4) of this section, a revised timetable not exceeding 60 additional days for the completion of the action.

§ 457.8 Required disclosures.

A standard shall contain the following:

(a) A statement of its intended scope and use, including products and product attributes intended to be covered by the standard;

(b) A disclosure of any products or product attributes not covered by the standard that users of the standard would reasonably presume were covered;

(c) A disclosure of any serious risks or limitations associated with use of products that confrom to the standard, when such risks or limitations would not be apparent to reasonable buyers; and

(d) A statement as to how persons voted on the standard if a list of persons who participated in the development proceeding is printed with the standard.

§ 457.9 Recordkeeping and access.

(a) The standards developer shall compile the following records in each standard proceeding:

(1) A copy of each notice given pursuant to § 457.4 and a list of persons and publications to whom notices were sent;

(2) A list of participants under § 457.5;

(3) All written comments under § 457.5; and

(4) All other written materials compiled in the proceeding.

(b) The standards developer shall compile the following records relating to each request for action under § 457.6:

(1) A copy of the request;

(2) Evidence submitted, or generated, relating to the request;

(3) A copy of any notice issued pursuant to § 457.6(c)(1) or § 457.7 (b), (c), or (d); and

(4) A statement describing any action taken in response to the request.

(c) The records specified in paragraphs (a) and (b) of this section shall be retained for at least 5 years from final decision in a matter.

(d) The standards developer shall:

(1) Make available all records specified in paragraphs (a) and (b) of this section to any person for inspection during regular business hours; and

(2) Promptly provide to any person upon request copies of the records at no more than actual cost.

§ 457.10 Appeals.

(a) The standards developer shall established and maintain an appeal board that meets the requirement of § 457.16, to hear and decide complaints relating to requirements under §§ 457.3–457.9.

(b) The standards developer shall act reasonably in determining whether and to what extent it will abide by a decision of the appeal board.

(c) The standards developer shall conspicuously include in every standard, and shall provide to each person with a complaint relating to requirements under §§ 457.3–457.9, a statement that the appeal board exists, and the name and address of the person to whom an appeal should be sent or information on any other method of initiating an appeal.

§ 457.11 Exemptions.

Subpart B shall not apply to:

(a) the drafting of a standard by a person solely for the purpose of transmitting the draft standard to a standards developer for a proceeding that is in accord with §§ 457.4 and 457.5 and that does not utilize the "employee" exception of §§ 457.4(a) and 457.5(b)(1); except that if any such standard is used in marketing prior to such a proceeding for purposes not otherwise exempt under this section, then the drafter of the standard shall, for purposes of this one standard, be considered a standards developer subject to §§ 457.6, 457.7, 457.9, and 457.10;

(b) the establishment of test methods or other requirements by a certifier for use in its certification program, when the only participants are employees of the certifier who have no commercial interest in the matter under consideration; except that the certifier shall be considered a standards developer subject to §§ 457.6, 457.7, 457.9, and 457.10 to the extent that such test methods or requirements, or certifications based on them, are used in the marketing of products;

(c) Standards, or development of standards, relating to drugs as defined in 21 U.S.C. 321(g) (but not devices as defined in 21 U.S.C. 321(h)); cosmetics as defined in 21 U.S.C. 321(i); and food as defined in 21 U.S.C. 321(f), including poultry and poultry products as defined in 21 U.S.C. 457 (c) and (f), meat and meat food products as defined in 21 U.S.C. 601(j), and eggs and egg products as defined in 21 U.S.C. 1033.

Subpart C—Certification

§ 457.12 General certifier duties.

(a)(1) Except as provided in paragraph (a)(2) of this section, whenever the certifier represents that products comply with a standard, the certifier shall not use the standard in a manner contrary to requirements contained in the provision stating its scope, the body of the standard, or an "appropriate action" notice that it has received from the standards developer acting pursuant to § 457.7.

(2) If the certifier deviates from a standard covered in paragraph (a)(1), of this section it shall require disclosure of the deviation under paragraph (b)(2) of this section. The certifier that deviates from a standard shall be considered a standards developer to the extent of the deviation as provided by § 457.11(b).

(b) The certifier shall disclose on or in close proximity to the form of approval, and shall require the marketer using its form of approval to disclose on or in close proximity to the form of approval, the following information:

(1) Name of certifier;

(2) Designation of the standards and other criteria on which the certification is based;

(3) A statement of the product attributes that are covered by the certification;

(4) A statement warning of any serious risks or limitations associated with use of the product which are disclosed in the standard as required by § 457.8(c);

(5) A statement describing the nature of the testing, including whether and to what extent prototype testing, factory inspection, and follow-up testing and inspection were done.

(c) Whenever the certifier has actual knowledge or knowledge fairly implied on the basis of objective cricumstances that a producer of a certified product:

(1) Is producing or marketing units that do not comply with relevant standards or other requirements [Note 14]; or

(2) Is using its name or form of approval in an unauthorized manner;

the certifier shall take such actions as are appropriate to end the abuse, which may include withdrawal of certification, probation, retesting, or other actions.

(d) Whenever the certifier has actual knowledge or knowledge fairly implied on the basis of objective circumstances that a producer of a noncertified product is using its name or form of approval, it shall inform the producer that it is in violation of § 457.17 and must cease the unauthorized use.

(e) Whenever the certifier has actual knowledge or knowledge fairly implied on the basis of objective circumstances that a standard it is using in certification violates the § 457.6 complaint criteria, it shall submit an appropriate request for action to the standards developer.

§ 457.13 Additional certifier duties.

(a) This section shall apply only to a certifier whose certification in a particular product area is relied on either in law or in fact by any government entity and who is effectively the sole source of certification services in that product area and market. The section shall apply only to certification actions in the affected product area and market [Note 15].

(b)(1) The certifier shall establish operating procedures which shall include, at a minimum, the steps which must be taken by one seeking certification, the steps the certifier will follow in determining whether to grant, deny or withdraw certification, and other procedures to implement and administer the requirements of this section.

(2) The procedures shall be written and made available without charge to any person upon request.

(3) The certifier shall follow its procedures.

(c) The certifier shall not grant or deny certification, or discriminate with regard to the quality of its services, solely on the basis of factors such as:

(1) Membership of the producer in a trade association or other group;

(2) Size of the producer;

(3) Country of origin of the product;

(4) Whether a product submitted for certification is intended for retrofit rather than installation as original equipment.

(d) The certifier shall not deny certification based on:

(1) Requirements not relating to product attributes that reasonable buyers would presume are addressed by the certification, or requirements not necessary to insure that the product meets reasonable buyer expectations relating to those attributes [Note 16];

(2) Requirements that product attributes already addressed in the test report of another laboratory be retested, unless there is substantial evidence on the record as a whole that the reported results are unreliable [Note 17]; or

(3) Requirements that a product be retested because of a design, component, or other change in the product, or a change in the underlying standards or other requirements, when such retesting would not result in a more accurate representation of the product's actual safety or performance to persons who rely on the certification [Note 18].

(e)(1) The certifier shall establish and maintain an appeal board that meets the requirements of § 457.16, to hear and decide complaints relating to requirements under this section.

(2) The certifier shall act reasonably in determining whether and to what extent it will abide by a decision of the appeal board.

(3) The certifier shall conspicuously include in every certification contract to which this section applies, and shall provide to each person with a complaint relating to requirements under this section, a statement that the appeal board exists, and the name and address of the person to whom an appeal should be sent or information on any other method of initiating an appeal.

§ 457.14 Recordkeeping and access.

(a) The certifier shall compile the following records:

(1) For each certification action:

(i) Name and model number of the product;

(ii) Designation of standards used to test the product;

(iii) Description of any other criteria on which grant or denial of certification is based; and

(iv) Reports of results on any testing pursuant to standards or other criteria used;

(2) Notices referred to in § 457.12(a);

(3) Information that a product that it has certified does not comply with relevant standards or other criteria, that its name or form of approval is being used in an unauthorized manner, or that a standard it is using violates the § 457.6 complaint criteria; together with such records as will show any action taken by the certifier in response; and

(4) Any complaints received by the certifier relating to requirements under § 457.13; together with such records as will show any action taken by the certifier in response.

(b) The records specified in paragraph (a) of this section shall be retained for at least 5 years.

(c) The certifier shall:

(1) Make available all records specified in paragraph (a) of this section to the client in the particular certification action for inspection during regular business hours; and

(2) Promptly provide to the client upon request copies of the records at no more than actual cost.

§ 457.15 Exemptions.

Subpart C shall not apply to:

(a) A representation which reasonable buyers are likely to believe is subjective, based on personal experience, or not based on controlled testing of the product pursuant to standards or other requirements;

(b) A certification procured by the purchaser of a product which is not for any purpose connected with resale of the product;

(c) Certifications relating to drugs as defined in 21 U.S.C. 321(g) (but not devices as defined in 21 U.S.C. 321(h)); cosmetics as defined in 21 U.S.C. 321(i); and food as defined in 21 U.S.C. 321(f), including poultry and poultry products as defined in 21 U.S.C. 457 (c) and (f), meat and meat food products as defined in 21 U.S.C. 601(j), and eggs and egg products as defined in 21 U.S.C. 1033.

Subpart D—Appeal Board

§ 457.16 Appeal board.

(a) The standards developer or certifier shall establish and operate an appeal board which complies with this section as required by §§ 457.10 and 457.13(e). A standards developer or certifier may establish and operate its own appeal board, or may jointly establish and operate an appeal board with other organizations.

(b) The appeal board shall be sufficiently independent of sponsoring standards developers and certifiers, and of other interest groups, so that it can render fair and impartial decisions.

(c) One or more members of the appeal board, each of whom is competent to decide the appeal and has no affiliation that would create a conflict of interest relating to the appeal, shall hear and decide each appeal.

(d) In establishing the appeal board the standards developer or certifier may reserve the right to have a reasonable opportunity to act on a complaint before it is heard by the appeal board. A reasonable opportunity shall not exceed 60 days from the date the standards developer or certifier receives or is informed of the complaint.

(e) The appeal board shall establish and follow written procedures, copies of which must be made available without charge to any person upon request. These procedures shall contain, at a minimum, the following:

(1) Upon receipt of a complaint, the appeal board shall notify the complainant and all persons whose conduct is the subject of the complaint that the complaint has been received.

(2) Meetings at which oral testimony is received shall be open to observers; except that this requirement shall not apply to an appeal brought against a certifier unless the person making the appeal requests that it apply.

(3) Within a reasonable period of time not to exceed 60 days from receipt of the complaint, the appeal board shall render a written decision based on the record and supported by reasons. A copy of the decision shall be sent to the complainant and to all persons whose conduct was the subject of the complaint.

(4)(i) The appeal board shall compile in each appeal, and retain for at least 5 years, the complaint, evidence gathered by the appeal board, including copies of written material and summaries of oral testimony, and the decision.

(ii) The appeal board shall make available all records specified in paragraph (e)(4)(i) of this section to any person for inspection during regular business hours, and shall promptly provide to any person, upon request, copies of records at no more than

actual cost; except that access to records in an appeal brought against a certifier shall be granted only to the complainant and the certifier.

(f) If the appeal board finds that the standard, act, practice, or failure to act constitutes a violation of the applicable rule provision, then it shall notify the standards developer or certifier of the actions that must be taken to comply with this rule.

Subpart E—Marketing

§ 457.17 Use of standards and certifications.

(a)(1) Except as provided in paragraph (a)(2) of this section, the marketer shall not use a standard in a manner contrary to requirements contained in the provision stating its scope, the body of the standard, or an "appropriate action" notice issued by the standards developer acting pursuant to § 457.7, when it has actual knowledge or knowledge fairly implied on the basis of objective circumstances of the requirements.

(2) If the marketer deviates from a standard covered in paragraph (a)(1) of this section, it shall disclose the deviation as part of the information required under paragraph (c) of this section.

(b) The marketer shall not use a certification in a manner contrary to requirements issued by the certifier relating to the certification, when it has actual knowledge or knowlege fairly implied on the basis of objective circumstances of the requirements.

(c) The marketer shall not use in marketing a certification or self-certification without disclosing on or in close proximity thereto the information specified in § 457.12(b).

(d) Whenever the marketer has actual knowledge or knowledge fairly implied on the basis of objective circumstances that it is producing or marketing units of a self-certified product that do not comply with the underlying certification requirements, it shall cease using the self-certification (see Note 14).

Subpart F—Notes

NOTE 1.—As used in § 457.6(a), "substantial evidence" is such technical, scientific, statistical, economic, theoretical, or other evidence as could lead a person knowledgeable in the area of technology to reasonably conclude that a proposition is true. Evidence may be "substantial" even though other similarly knowledgeable persons could reasonably conclude that the proposition is not true. "Substantial evidence" consists only of such materials that complainant chooses to offer. By contrast, substantial "evidence on the record as a whole" (Note 8) includes this evidence plus any evidence offered by the standards developer.

The purpose of this test is to establish an evidentiary threshold that the person requesting action must meet in order to compel the standards developer to take cognizance of a claim. It can be expected that on many questions probative evidence will consist of (i) scientific tests, (ii) engineering evaluations and analyses, (iii) field experience, (iv) accident reports, (v) insurance loss experience, (vi) expert opinion, (vii) statistical analyses, (viii) economic, scientific, or other theory, (ix) laws, codes, procurement specifications, and regulations, (x) reasoned approval or disapproval by government code or procurement officials, (xi) consumer surveys, or (xii) price lists. This list is not exhaustive. In order instances a commonsense judgment reduced to writing will suffice.

NOTE 2.—As used in § 457.6(a)(1), a position of the standards developer raises prices or excludes products when, but for reliance on such position by consumers, code officials, architects, insurers, certifiers or others, such effects would not have occurred. The term may include a showing that a position *will raise* prices or exclude products. A necessary part of such a showing would be that, at the time of the complaint, the position was in a form or status that would not be subject to change by the time injury was expected to occur. Where such a complaint involves potential exclusion of an item not yet in production, complainant would only have to show that production of the item is feasible.

Higher prices includes higher costs to consumers related to selection, purchase, installation, maintenance, energy use, insurance or replacement of products than would otherwise prevail. Showings of higher production, testing, sale or other related costs for sellers constitute showings of higher prices for purposes of § 457.6(a)(1).

Product exclusions include situations in which the sale of a product in any market is barred or to any extent restricted or impeded as a results of the reliance of buyers, code officials, architects, insurers or others on a position of a standards developer.

Products may be totally excluded from some markets, as where under local law only products meeting a standard's requirements are permitted to be marketed. Where local laws do not mandate conformity with standards, voluntary reliance on standards by buyers may result in at least partial exclusion from the market of nonconforming products, especially when buyers cannot easily determine safety or performance attributes of complex products. Marketers of such products may thereby lose sales to substitute products encompassed by such standards.

A standard may cause product exclusions even for conforming products which exceed the standard's minimum requirements. For instance, buyers might assume in certain cases that the standard's failure to differentiate among the conforming products is evidence of their functional equivalence (for examples, see Note 6). Another example might be where a standard incorrectly ranks or grades product types, and complainant is able to show that this impedes the sale of particular products. In sum, a complainant may show any type of restriction of product sales that is caused or will be caused by a standards developer's position.

NOTE 3.—As used in § 457.6(a)(1), "factual basis" is the foundation in logic and fact for that portion of standards developer's position (i.e., standard, proposed standard, interpretation, act or practice, or lack of a standard within its recognized area of competence) that is the subject of a request for action. The distinctions drawn in a standard are necessarily based on certain logical and factual conclusions. A position lacks factual basis whenever any of these necessary conclusions is incorrect, illogical, or not supported by the existing technical, scientific, statistical, economic, theoretical, or other factual evidence. This inquiry may concern facts explicitly asserted in the standard—e.g., a table in the document that ranks certain products—or implicit assumptions—e.g., that cost-adding or exclusionary features are necessary to promote the safety or performance of the product.

Lack of factual basis may be shown by simply showing lack of documented or credible support.

Example 1: A standards developer has promulgated room environment standards calling for specific levels of cooling, light, and ventilation for public school buildings. The stated or implied purpose of these levels is to ensure that level of health and reading proficiency is achieved. In addition to showings of excessive energy costs, (i.e., higher prices), consumer complainant claims that there is no documentation proving a relationship of the health/proficiency levels to the standards set. Although complainant has not proven there is no relationship, it can nevertheless show lack of factual basis under § 457.6(a)(1).

Where the requirement is not arbitrary on its face, the complainant may have to identify its purpose in specific terms. If the purpose is unknown or ill-defiend, complainant can nevertheless proceed by positing a rationale which relying parties reasonably presume supports the requirement. In any paragraph (a)(1) complaint, the only relevant subject is the position's factual or logical relation to the purpose. The underlying policy or value elements are not within the factual basis inquiry.

Example 2: A prominent canoeing association writes a standard for canoes. One of the standard's provisions requires use of a puncture-proof new material. Canoes using this material cost, on the average, $300 more than other canoes. Complainant seller of aluminum canoes shows that its product is excluded inasmuch as many recreation areas require use of equipment that meets association standards. In the absence of a documented purpose, complainant posits that recreation owners *reasonably assume* that use of the standard will "save lives" and that there is no factual basis for this assumption. All reported drownings were from overturned canoes in fast water, as to which the new canoes are equally susceptible. Complainant has met its burden. The association rebuts, however, that its purpose was not to "save lives," but to "avoid wet equipment and inconvenience" where canoes take on water due to ruptures. It proves that the new material does in fact rupture less easily. Though a $300 per canoe price increase might appear unreasonable from a performance/cost standpoint, this is a value judgment that is not part of the factual basis inquiry. (It can be challenged under paragraph (a)(3), however.)

Another variety of action that can be challenged in paragraph (a)(1) is the arbitrary elimination of product types, for reasons unrelated to the performance or safety of those particular types.

Example 3: Heavy cable used in construction is customarily sold in three grades based on strength. A number of sellers have

begun marketing cable in grades that fall between the existing three. An industry standard, incorporated in local building codes, only specifies the traditional three grades. Buyer complains that (i) prices are raised since buyers who need only in-between grades must "step up" to sizes of excessive strength and price, and (ii) that there is no factual basis for the proposition that restriction of grades promotes the safety, performance, interchangeability, or interconnectability of cable. Complainant has carried its burden under paragraph (a)(1).

NOTE 4: Under § 457.6(a)(2) complainant must show that an excluded product is at least equivalent, as to the performance or safety characteristics subject to dispute, to other products which standards developer treats more favorably. Complainant need only show functional equivalence. The product's price or other characteristics are irrelevant. (Nor is it necessary to prove equivalence with conforming brands actually being sold. For instance, where the complaint regards a product treated as nonconforming under a standard, it is enough that the product is equivalent to hypothetical products that would meet the minimum requirements.)

In certain instances conforming products may be "over-engineered" for the uses to which they are normally put. Complainant need only show that its product is equivalent to conforming products "under actual use conditions."

Example 1: A trade association standard for public address systems in schools requires that speakers be able to transmit sound of a specified decibel level without distortion. Complainant proves that (i) its own product transmits, without distortion, sounds having two-thirds the specified decibel level, and (ii) that state health laws uniformly forbid the generation of more than one-half the specified decibel level within school building. Complainant has proven that "under actual use conditions," ita product is equivalent to those meeting the minimum requirements.

NOTE 5: The general effect of § 457.6(a)(3) is to enable complainants to test whether the standards developer could adopt a "less restrictive alternative," i.e., a position that would increase buyer options or the opportunity of sellers to compete.

In addition to showing product exclusions, complainant must (i) identify the proposed alternative in general terms, and (ii) show that the alternative would equally promote the purpose or would adequately inform parties of the safety, performance, or other relevant attributes of the product in question. Section 457.6(b)(3) indicates how these showings may be rebutted.

Example 1: Standards developer requires that each length of metal used for supporting beams in construction be tested under a new stress test. This change was instituted in response to reports of a 2 percent failure rate in the field. The new test requires expensive equipment only possessed by the very largest sellers. Complainant shows that smaller sellers will be put at a disadvantage in having to spread costs of the equipment over fewer units and that the standard will thereby cause product exclusions. Complainant also demonstrates that (i) the alternative of requiring present test methods to be conducted at closer intervals can as effectively reduce the failure rate, and (ii) that in any event, the failure rate of the old method is well enough known that sellers using that method could be required to disclose its disadvantage. Under either showing complainant has carried its burden under paragraph (a)(3).

In some cases a nonconforming product may not be equivalent to conforming products under actual use conditions, but may nevertheless meet the needs of some buyers. Where complainant requests that the excluded product be treated as conforming, the following specific application of the two-part showing will suffice. Complainant must (i) identify the proposed alternative in general terms, and (ii) submit evidence which accurately describes the safety, performance, or other problems which differentiate the excluded product from conforming products under actual use conditions. As in all paragraph (a)(3) requests, complainant is not required to initially prove the practicality of implementing the alternative.

Example 2: Seller makes a water pipe that uses a new plastic compound not permitted under the relevant water pipe standard. The only documented problem with the new material is that it cannot be molded to form the simple joint used in competing pipe. Seller (i) states in general terms that it would be less restrictive to treat its product as conforming together with a requirement that the problems with its joint be disclosed on the pipe itself, and (ii) provides evidence that the pipe can be joined according to a method which produces a joint that is as reliable as a simple joint, but lasts only 30 years as opposed to the 50-year life of other joints. Seller has carried its burden under paragraph (a)(3).

Another variant of the above is where products are excluded for interchangeability or interconnectability purposes, or as part of a simplification program to reduce sizes and designs. Complainant must prove that a less restrictive alternative, such as requiring disclosures, could also enable buyers to avoid confusion, unnecessary stocking of parts, or the other problems the standard was intended to correct.

Example 3: The majority of water heater tanks for industrial use can be directly fitted with only one of two basic sizes of pressure relief valves. A standard covering relief valves only encompasses the two sizes permitting a direct fit. The rationale is that the stocking of adaptors can thereby be avoided. Seller of odd-size valves states in general terms that it would be less restrictive to encompass all sizes in the valve standard but require the size of any conforming valve to be stamped on the product so that purchasers could decide for themselves whether they would have to stock adaptors. Seller has carried its burden under paragraph (a)(3).

Another type of less restrictive alternative may be the imposition of a marketing segregation acheme as an alternative to treating a product as conforming. For instance, where a product poses a safety risk only if installed by nonexperts, the standard could require conforming products to be sold only to outlets which use qualified installers.

NOTE 6: Section 457.6(a)(4) applies where the standards developer's position misleads buyers into assuming that all conforming products are, for all practical purposes, equivalent. Aside from the product exclusion showing (see Note 2), complainant must show that its product is in fact functionally superior under actual use conditions to other conforming products which buyers believe are its equivalent.

The mere fact that the standard does not classify or "grade" products does not raise a presumption that buyers will assume conforming products are homogeneous. It is necessary to show that the position raises false assumptions. Section 457.6(b)(4) indicates how these showings may be rebutted.

Example 1: A furnace standard establishes pass-fail requirements for all furnaces using a particular type of fuel. A seller claims that its furnace is superior to other furnaces that also conform to the standard, but that the standard mistakenly leads housing contractors to assume that all conforming furnaces have the same essential quality or safety attributes. Seller claims that it loses business to cheaper competitors as a result. Seller proves the superiority of its product with test results. However, because of buyers' exposure to advertising, wide price ranges, and product variations, it cannot show that the standard leads these buyers to assume that all conforming furnaces are homogeneous. Seller has failed to carry its burden under paragraph (a)(4).

Example 2: Standards developer customarily classified or ranks water safety equipment on a scale of I-V. The higher the number, the safer the product. Its life preserver standard does not adopt this system, but rather adopts a two-tier system. Seller of the most expensive life preserver proves (i) that its preserver will retain the required bouyancy for two seasons longer than the low-priced Class II products; (ii) that there is evidence that retailers believe that the standards developer would have assigned the product a special ranking if that were true, given its past practice, and (iii) that, given its higher price, it cannot sell its product as it could have absent the standard. Complainant has carried its burden under paragraph (a)(4).

NOTE 7: Section 457.6(a)(5) applies where the standards developer's position in effect "oversells" the performance of a conforming product. Complainant will have to prove that the position raises expectations in the buyers' minds, and that the underlying facts do not support these expectations.

The standard may be a source of misreliance in numerous ways. A partial list includes (i) misleading scope notes which prompt certifiers to apply its requirements to the wrong product; (ii) faulty test methods or requirements which "pass" products not fit for their purpose; (iii) misleading labeling or marking requirements; (iv) ambiguous provisions which result in certification of unfit products; or (v) failure to effectively communicate instructions or warnings necessary to offset false assumptions of safety or performance raised by the standard. The test of effective communication is whether reasonable buyers would receive, read, and understand the information, and be able to use it to their advantage. In certain instances, the certification of unfit products may be due to certifier or marketer failure to carry out understandable requirements in the standards document. These cases are not the subject of paragraph (a)(5) complaints.

Complainant must show that the position deceives reasonable buyers. If complainant can show that deception will occur in other than isolated, atypical cases, it has met this burden. Thus, a complainant may test whether the standards developer took into account the variations in intelligence, moti-

vation, expertise, and knowledge of standards among the parties that rely on the particular standard.

Complainant must also show that the misrepresentation would affect the purchasing decisions of reasonable buyers. It is not necessary to demonstrate actual instances of purchases which would not have occurred absent the standard.

The following illustrate the operation of paragraph (a)(5):

Example 1: A standard for a building material allows products which meet a certain level of performance on tests to be stamped as acceptable for exterior use. Complainant proves that complying products may deteriorate rapidly when exposed to the elements. Complainant has carried its initial burden under paragraph (a)(5).

Example 2: A standard for a product which is marketed as an energy saving device covers only the safety attributes of the product. Complainant proves that reasonable buyers assume that representations by sellers of conformance to the standard validate the seller's safety and energy saving claims. The product is proven not to save energy. Complainant has carried its initial burden under paragraph (a)(5).

Example 3: A type of home insulation presents severe fire hazards if laid on attic floors close to recessed light fixtures. This hazard can be controlled by constructing a special guard around the light fixtures. The standard requires instructions concerning this safeguard to be disclosed on the insulation package. Complainant shows (i) that buyers assume that conformity to the standard means there is no problem with flammability, and (ii) that although contractors read and understand the instructions, even reasonable homeowners who also purchase and install the insulation themselves cannot understand the instructions. Complainant has carried its initial burden under paragraph (a)(5).

NOTE 8: As used in § 457.6(b), "substantial evidence on the record as a whole" is "substantial evidence" [Note 1], taking together complainant's evidence, evidence in the standards developer's file, plus any other evidence the standards developer may produce.

NOTE 9: The § 457.6(b)(1) rebuttal to a § 457.6(a)(1) showing simply requires the standards developer to refute complainant's evidence. In certain instances, the standards developer may have to state the purpose of its requirement with sufficient specificity so that its factual basis can be tested, § 457.6(c)(1). (See Note 3, Example 2.) If the purpose of the requirement *has* been documented in prior proceedings, standards developer is not permitted to rebut that it now serves a different purpose, e.g., a higher level of safety warranting its cost-adding features.

In certain instances the basis for requirements can be explained only as engineering "conservatism." For purposes of paragraph (b)(1), this can be defined as the requirement of certain product features to supply a margin of safety or reliability not strictly required by available evidence. To justify a feature on engineering conservatism grounds, the standards developer must show (i) plausible contingencies whose precise impact cannot be anticipated, or (ii) inability to strictly extrapolate from existing data, given the data's unreliability, limited applicability, or incompleteness.

Example 1: Standard "A" covers all steam pressure vessels and specifies minimum wall thicknesses. Standard "B" covers only steam vessels used in electrical generating plants, and requires 50% thicker walls. A number of states have adopted standard "B", thereby forcing vessel manufacturers to retool, which raises costs statewide. Complainant has successfully shown that there is no positive documentation that thicker walls are required for electrical generation uses. Standards developer rebuts (i) that data for standared "A" did not test for the long periods of cyclical stress sometimes occurring in electrical generation; (ii) that unexplained failures of standard "A" vessels have been reported; and (iii) that data does not exist which explains how extended cyclical stress affects wall strength. Standards developer has successfully rebutted under paragraph (b)(1).

NOTE 10: In § 457.6(b)(3), there are several distinct lines of rebuttal, anyone of which may be sufficient. In addition to disproving the claim of product exclusions, the standards developer may show that "the suggested alternative is not less restrictive or cannot be implemented; or that the excluded product is one which a reasonable person would not purchase or which presents an unreasonable risk of injury."

That the alternative is not less restrictive or cannot be implemented. The alternative is not less restrictive if in general, the alternative does not increase buyer options or the opportunity of sellers to compete, whatever its effect on complainant. The rebuttal as to implementation concerns the practical limits to the standards developer's power to make the alternative work in actual practice. The standards developer can successfully rebut if, as a practical matter, the alternative cannot be implemented to have its intended effect.

A specific subset of this rebuttal is the situation where a complainant claims that a nonconforming product could be treated as conforming if the standard required disclosures to relying parties. (See Note 5, Example 2.) The specific showing on rebuttal is that reasonable buyers would not receive, read, understand, or be able to use the information to their advantage. In general, if the alternative would fail in these respects only in isolated, atypical cases, the standards developer cannot rebut on these grounds. The receive, read, and understand elements are self-explanatory. The "use information to their advantage" criterion is designed to anticipate situations where, even if buyers understand the disclosures, they may not have the expertise, education, or wherewithal to make use of them. This does not imply that the buyer need be able to perform all necessary installation or other steps without assistance.

Example 1: A standard for automobile fuel-saving devices only treats factory-installed devices as conforming. Seller of retrofit devices proves that the steps for safe and effective retrofit installation are known and can be followed by any minimally knowledgeable auto mechanic. The device can save 15 percent of fuel used in older automobiles. Standards developer shows that substantial numbers of automobile owners cannot reliably perform the required installation steps. However, it cannot show that it could not treat the retrofit items as conforming with the condition that sellers disclose at point-of-sale that the devices are only safe or effective if installed by a competent mechanic. Standards developer has failed to rebut.

Reasonable persons would not purchase the product. This rebuttal is met where no reasonable buyer would purchase the product if fully informed of its attributes. "Reasonableness" in this context need not be limited to purely economic concerns. Aesthetics, ethics, experimentation, and other factors may be legitimate considerations for the reasonable person.

The product presents an unreasonable risk of injury. An unreasonable risk of injury is presented where the product's utility is outweighed by the likelihood and severity of injury associated with that product's use. Unreasonable risk may exist even when users are fully informed of the product's safety risks. In certain instances, the utility of the product may not, from a value perspective, outweigh the inordinate number of injuries that would result from its use. Persuasive evidence that a product poses such risks is that under rules promulgated pursuant to the Consumer Product Safety Act, it could be classified as a "banned hazardous consumer product," 15 *U.S.C.* 2057, or an "imminently hazardous consumer product," 15 *U.S.C.* 2064(a), or that it presents a "substantial product hazard," 15 *U.S.C.* 2052(a)(3), or an "unreasonable risk of injury," 15 *U.S.C.* 2057.

NOTE 11: The § 457.6(b)(6) rebuttal permits the standards developer to assert that the higher prices or dollar amounts are insignificant. This rebuttal is available only where (i) injury is only short-term and (ii) complainant cannot prove that the competitive position of sellers is appreciably affected or dollar or safety injuries to buyers or users are more than negligible. Even if the injury does not exceed this threshold, this rebuttal is unavailable if the cost of corrective action is lower than the injury, as where an explanatory letter would be sufficient.

NOTE 12: The basic test of appropriate action as stated in § 457.7(a) is that it "correct or prevent higher prices or product exclusions, or * * * cure misrepresentations * * *." The standards developer is free to choose the course of action that will satisfy this requirement. If withdrawal, revision, or development of a standard is required, the particular duties are set out under provisions in §§ 457.7(b)-(f). Once development or revision of a standard is commenced, the standards developer is not constrained to model its solution only on the evidence submitted in the 60-day complaint/rebuttal period of § 457.6(c). It may consider any evidence that will enable it to successfully rebut subsequent complaints by either the original complainant or other parties.

To discharge its duty under § 457.7(a), the standards developer need only correct or prevent the harm "to the extent which such actions are supported by showings under § 457.6(a) and are not rebutted by showings under § 457.6(b)." This caveat recognizes that there may be times when complainants will request total elimination of their harms, when they have not proven that full relief is justifiable.

Example 1: A standard requires that a transparent shield for welder's masks be made of a certain material and have no more than a specified curvature. A mask using a different material is designed to wrap around the side of the face, thereby providing greater protective coverage. However, the curvature exceeds the maximum

established under the standard. Complainant seller shows that the curvature requirement has no documented support. Standards developer fails to rebut, sets a timetable for reconsidering the evidence, and within the time limits produces evidence which supports a modified curvature requirement. However, even the modified requirement excludes complainant's product. Despite this continuing exclusion, the standards developer has satisfied § 457.7(a). Complainant had not submitted evidence which proved that the standards developer would be justified in treating the product as equivalent to other conforming products (as it might have under the "equivalence" provision, § 457.6(a)(2)).

Paragraph (a) does not establish any one time period as a presumptive "reasonable period." Calculation of this period is, for purposes of this requirement, assumed to be a two-step process. First, a reasonable period is preliminarily determined, based on two assumptions: (i) Commitment of time of individual participants is less than full-time, and (ii) the task involves only drafting, review, or criticism or proposals, plus marshalling evidence and position papers. Any figure that exceeds a time period that is reasonable in light of the above, must be supported on the basis of at least one of four criteria: (i) The necessity for generating new data; (ii) the necessity for advancing the "state of the art", e.g., for devising new test methods; (iii) the number of issues to be resolved and their complexity, and (iv) the necessity of obtaining data or policy approval from governmental bodies. The latter element recognizes that in certain instances collaboration with bodies such as Congress, CPSC, Occupational Safety and Health Administration (OSHA), state agencies, etc. may be desirable. Failure to committee members to provide necessary personnel or resources to the task is a permissible factor only when the failure relates to one of the four criteria. The standards developer cannot lengthen the timetable to accommodate uncooperative members.

Where the appropriate action is development or revision of a standard, § 457.7(c)(1) requires the standards developer to propose a timetable in advance. The reasonableness of the period stated in the timetable is governed by the same criteria as those listed above.

NOTE 13: As used in § 457.7(e)(1), "product area" is that category of products which perform the same specific function and can be substituted for each other. Products may be in the same product area irrespective of such differences as (i) their mode of installation or servicing, e.g., factory installation versus retrofit; (ii) their ease of application, e.g., use of adaptors, special safeguards; (iii) the materials from which they are made; (iv); the engineering theories that are their basis; or (v) their particular level of safety or efficiency.

NOTE 14: Section 457.12(c)(1) requires the certifier to take corrective action when a certified producer is producing and marketing noncomplying product units. This is not intended to mean that there can be no product failures. The intent is to require action when the failure rate reaches such a level as to be unacceptable in terms of general practice in the product area. General practice in the product area can be determined from such sources as the standard or testing procedures, which may specify a failure rate, generally accepted sampling techniques, or accepted manufacturing practices.

NOTE 15: Section 457.13(a) states that § 457.13 applies only to a certifier whose certifications in a "product area" are relied on by a "government entity." "Product area" is used with the same meaning in § 457.7(d)(1) and is defined in Note 13. The market in which reliance is occurring is limited to "government entities," which includes local, state, and federal jurisdictions, and agencies and officials thereof. For example, the U.S. Air Force would be considered a government entity, so a certifier exclusively relied on in Air Force base purchasing decisions would fall within paragraph (a). Another example would be a city which specifies one certifier in its building code.

The operation of this section is further limited to those situations in which the certifier is "effectively the sole source of certification services" in the affected product area and market. This does not mean that the certifier must be the only one who is relied on in the market, but it must substantially control the area. This may occur because other laboratories which are relied on by the government entity do not do certification in the particular product area, or only have facilities to handle a few clients. It may also occur because, even though the government regulation specifies several acceptable laboratories, the officials enforcing the regulation in practice will accept only the one certifier. For these and other reasons, it may appear that two or more certifiers are providing certification services, when in fact producers are effectively limited to one certifier if they want to sell their products in the market in question. In this situation the certifier would be covered by the requirements of § 457.13.

NOTE 16: Section 457.13(d)(1) addresses the imposition by certifiers of test requirements that are unnecessary in terms of buyer expectations.

The first category of proscribed requirements includes those "not relating to product attributes that reasonable buyers would presume are addressed." "Attribute" may have a broad meaning—e.g., safety versus performance. For instance, where a certifier is testing only for fire hazards, it could not require radios to be tested for range, clarity or other performance attributes, or for easy connectability with both auto batteries and house receptacles. "Attribute" can also have a narrower construction—e.g., various "safety attributes." For instance, unless a certifier disclosed the fact, most buyers would not assume that resistance of an auto tire to deliberate slashing of the tire wall is covered by a certification assuring tire durability. Absent such disclosure, the imposition of tests which simulate such vandalism would be prohibited.

A second category is made up of requirements "not necessary to ensure that the product meets reasonable buyer expectations relating to those attributes." Thus, in the above example buyers would expect tires to be tested for safety under normal or even hard driving conditions. However, a test exposing the tire to open flame for a prolonged period prior to road tests may be excessive, even if an extraordinarily durable tire can be singled out in this manner. Such requirements would mislead buyers and unnecessarily restrict consumer choice since they "are not necessary to ensure that the product meets reasonable buyer expectations."

NOTE 17: The definition of "substantial evidence on the record as a whole" is the same under § 457.13(d)(2) as it is in the standards developer context—"such technical, scientific, statistical, * * * theoretical, or other evidence as could lead a person knowledgeable in the area of technology to reasonably conclude that a proposition is true. Evidence may be substantial even though other similarly knowledgeable and reasonable persons could conclude otherwise" (Note 1). Where a marketer desiring certification carries its burden of providing evidence of the reliability of a test report, the certifier must either (i) omit retesting or (ii) provide such rebuttal evidence that a reasonable person would no longer conclude that the report is reliable. While a time limit for this determination is not stated, the time taken is governed by a general standard of reasonableness.

The issue of reliability will turn on a number of factors, including: (i) Whether the laboratory is independent of manufacturers and vendors of the product tested; (ii) whether the laboratory has adequate staff and test facilities for purposes of such testing; (iii) whether the laboratory employs appropriate standards or other test requirements in such tests; (iv) the laboratory's reputation or record of problems in this area of product testing; and (v) whether the test report itself is based on scientific and well-controlled testing (where scientific and well-controlled testing would be required to establish a product's conformance to relevant standards). The certifier may charge the marketer desiring certification the reasonable costs associated with determining test report reliability.

NOTE 18: Section 457.13(d)(3) prohibits retesting that is unnecessary given the adequacy of prior tests by the same certifier. Where, for instance, the material in the exterior of a television set is changed from one plastic compound to another, retesting of the model for electrical safety would be unnecessary, absent a showing of causal relationship. Similarly, if a portion of the underlying standard for testing television sets which applies only to 100% solid state, the validity of the prior test is not undermined. In neither of these cases would retesting "result in a more accurate representation of the product's actual safety or performance to persons who rely on the certification."

SECTION B. STATEMENT OF THE COMMISSION'S REASONS

Pursuant to the direction of the Commission, the staff of the Bureau of Consumer Protection initiated an investigation to determine whether persons and organizations involved in standards development and certification, and in marketing with reference to standards, are engaged in acts or practices in violation of section 5 of the Federal Trade Commission Act. The Commission's determination to commence this rulemaking proceeding is based on consideration of the report of the staff investigation.

The Commission's directive to commence the investigation was given at the time that the Commission provisionally accepted consent orders in a matter involving alleged marketing misrepresentations relating to the flammability of foam plastics used as insulation in buildings.[1] These alleged misrepresentations were based on small scale

[1] *In re* Society of the Plastics Indus., 84 F.T.C. 1253 (1974).

standard test methods of the American Society for Testing and Materials, which did not accurately predict flammability hazards under actual use conditions. In announcing its provisional acceptance of the consent orders, the Commission reported that it had "directed the staff to continue an investigation of ASTM and others engaged in standards-setting and product certification activities that may result in deceptive or unfair standards and certifications." [2]

In response to the Commission's directive the staff conducted a broad inquiry into the full range of factual and legal issues presented by private standards and certification activities. The staff has set forth the results of its investigation in a publicly available document entitled Staff Report on Standards and Certification.[3]

In the course of its investigation the staff reviewed numerous specific complaints in which the actions of standards developers and certifiers appeared to raise questions of illegality under section 5 of the Federal Trade Commission Act. Allegations have related to a broad spectrum of products and industries, and to many types of consumer and competitive injury. Staff also made a comprehensive survey of current standards development and certification practices, and attempted to assess their role and importance in commerce. Information and views were solicited from producers, consumers, representatives of federal, state and local government agencies which rely on standards in procurement and regulation, standards development organizations, testing laboratories, trade associations, technical experts, and others. In addition, staff relied on the reports and public record compiled by the FTC Task Force on Industry Self-Regulation,[4] Which had been established by the Commission in December, 1971.

The Staff Report cites numerous allegations that were reviewed in the investigation, including the following: Lack of adequate notice to consumers, small businesses and others who might wish to participate in a standards proceeding; lack of opportunities for participation; high costs and complex procedures that favor participation and dominance by established firms; failure to update standards in a timely manner; tendency to use narrow design standards rather than performance standards; tendency to use pass-fail standards rather than graded standards; inadequate disclosures in standareds of critical product use or hazard information; lack of avenues to challenge deceptive or restrictive standards; the use by certifiers of deceptive or restrictive standards; arbitrary or discriminatory treatment by certifiers of some sellers; excessive certification fees; inadequate disclosure to consumers of the meaning and limitations of seals of approval; and failure of certifiers to police sellers who falsely represent conformance of their products to standards.

The Report states that these practices have been associated with complaints of various injuries to consumers and competition, which include denying consumers the benefits of superior or lower cost technology, denying businesses the opportunity to enter and compete in profitable industries, inadequate product safety levels, inflated product prices, and deception or nondisclosure of material product information. Staff has concluded that the practices may be unfair and deceptive acts and practices and unfair methods of competition within the meaning of section 5 of the FTC Act, requiring appropriate remedy.

The Commission has carefully and deliberately considered the Report and recommended Trade Regulation Rule. Based upon that Report, the Commission believes that the initiation of a rulemaking proceeding would be in the public interest.

The public is advised that the Commission has not adopted any findings or conclusions of the staff. All findings in this proceeding shall be based solely on the rulemaking record. Accordingly, the Commission invites comment on the advisability and manner of implementation of the proposed rule.

The Commission's Rules of Practice shall govern the conduct of the rulemaking proceeding, except that, to the extent that this notice differs from the rules of practice, the provisions of this notice shall govern. This alternative form of proceeding is adopted in accordance with § 1.20 of the rules of practice (16 CFR § 1.20).

Section C. Invitation To Comment

All interested persons are hereby notified that they may submit data, views, or arguments on any issue of fact, law or policy which may have bearing upon the proposed rule. Such comments may be made either in writing or orally. Written comments should be addressed to Henry B. Cabell, Presiding Officer (PU), Federal Trade Commission, Washington, D.C. 20580, 202-724-1045; they will be accepted until March 16, 1979. To assure prompt consideration, comments should be identified as "Standards and Certification Rule Comment" and furnished when feasible and not burdensome in five copies. Instructions for persons wishing to present their views orally are found in Sections E and F.

While the Commission welcomes comments on any issues which you feel may have bearing upon the proposed rule, listed in Section D are questions on which the Commission particularly desires comment. All comments and testimony should be referenced specifically to either the Commission's Questions or the section of the proposed rule being discussed. Comments should include reasons and data for the position. Comments opposing the proposed rule or specific provisions should, if possible, suggest a specific alternative. Proposals for alternative regulations should include reasons and data that indicate why the alternatives would better serve the purposes of the proposed rule. Comments should be supported by a full discussion of all the relevant facts and/or be based directly on first-hand knowledge, personal experience or general understanding of the particular issues addressed by the proposed rule.

Section D. Questions and Issues

Interested persons are urged to consider carefully the following questions. Although the proposed rule was drafted in specific language, the Commission retains its authority to promulgate a final rule in ways suggested by these questions and based upon the rulemaking record.

1. In the accompanying statement of reason for the proposed rule (Section B) the Commission has described the consumer protection and competitive problems that may arise from private standards and certification activities. How prevalent are the challenged practices set forth in the statement, and in what manner and context are such acts and practices unfair, deceptive or anticompetitive?

2. Are there benefits that flow from present industry practices that would be lost if the rule is promulgated as presently proposed? Does the proposed rule set out the least restrictive alternatives to achieve the intended goals?

3. What would be the cost of compliance for each of the groups covered by the proposed rule? To what degree would each of the requirements of the proposed rule raise costs, delay the adoption of new standards, or delay the introduction of new products? Might the rule discourage smaller standards developers and certifiers from staying in the market? Would this have any adverse effects in the market? How might the procedures themselves be used by incumbent firms and/or standard setters to deter, delay, or raise the cost of entry for new products?

4. What economic or other effects upon small businesses and consumers, if any, would result from implementation of the proposed rule?

5. Should the definition of "standard" be expanded to include nonproduct standards? Are there additional categories of either product or nonproduct standards that should be excluded or included in the rule? Is the definition of standard overly broad? Might it inadvertently include newspaper stories and other statements about products that do not raise the same problems as industry standards?

6. Do the notice requirements of § 457.4(a)-(c) insure that consumers, small business, and others will receive enough information to decide whether their participation in a proceeding is necessary? For instance, should the § 457.4(a) "notice of proceeding" include a statement of the likely effects of the proposed action on various parties? How specific could such a statement be, given the early stage at which this notice is given?

Do the notice requirements of § 457.4(a)-(c) impose an unnecessary burden on standards developers? Would interested parties, including small business and consumer interests, receive adequate notice if the notice requirements were lessened? For instance, could the § 457.4(a) notice be eliminated without unduly reducing the effectiveness of the rule? Alternatively, could the § 457.4(c) notice be combined with the earlier notice required by § 457.4(b) without unduly reducing the effectiveness of the rule? In what ways could the notice requirements be made less burdensome while still conveying necessary information to persons

[2] Federal Trade Commission Order Settles Proceeding Involving Marketing of Plastics Presenting Fire Hazards; Rule Making Proceeding Instituted, FTC Press Release (July 29, 1974).

[3] Copies of this Report may be obtained either in person or by mail from Room 130, Public Reference Room, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

[4] Federal Trade Commission Preliminary Staff Study (precis) regarding Industry Self-Regulation—Product Standardization, Certification and Seals of Approval (Nov. 1971); FTC, Final Report of the Task Force on Industry Self-Regulation: Performance Information, Standards and Certification Programs—Achieving Socially Desirable Objectives (July, 1972); Public Record compiled by the Task Force in Industry Self-Regulation (FTC File Nos. 209-1-1, 209-2-1, 209-1-2-2).

or interests who might want to participate in a standards proceeding?

7. Are the time limits for the provision of notice established by § 457.4 (a), (b), and (c), (30, 60, and 30 days respectively), appropriate? Are there instances where these time limits will unduly delay a standards proceeding? If so, how should such instances be handled?

8. To insure that consumers, small businesses, and other interested parties with limited financial resources have an equal and meaningful opportunity to participate in standards proceedings, is it necessary that their costs of participating be borne in whole or in part by other persons or groups? What has been the experience where consumers and small business have had the right to participate but have not been provided funds? Does the Commission have authority under section 5 of the FTC Act to order standards developers, industry members, or others to bear these costs? Should the Commission require the funding? If so, how much funding is necessary and what method should be used to compute the individual obligations of contributors? What criteria should govern allocation of funds, and what types of costs should be funded? What are other possible governmental or private sources of funding for unrepresented interests in standards proceedings?

To what degree would a funding requirement increase participation by small business and consumers interests in standards development process? Should funding be available only to producers or potential producers that would suffer direct economic injury and whose interests would not otherwise be represented? Would limitation of funding to such participants adequately protect consumer and other interests that would not otherwise be represented? If not, what parties should be able to receive funding?

9. Section 457.6 and related provisions set up a mechanism, which includes substantive criteria, for handling standards complaints. Suppose these sections were eliminated, and the proposed rule provided only *procedural* rights to directly affected parties—i.e., right of notice, opportunity to be heard, access to a meaningful summary of reasons for action, and perhaps a right of appeal to an independent board established by the standards maker or certifier. Would that adequately deal with most or all unfair or anticompetitive practices that may exist in standards making and certification? What evidence is there that unfair or anticompetitive practices would continue to exist if standards development processes contained adequate procedural safeguards? Are private rights of action available to deal with any problems which would remain?

Would such procedures as outlined above, in addition to a requirement that standards developers numerically "balance" some or all standards development committees so that viewpoints of all affected parties are fully represented, prevent most or all unfair, deceptive, or anticompetitive practices that may exist? Even if provisions providing for a challenge mechanism were not eliminated from the proposed rule, are "balancing" and "consensus" procedures necessary to prevent standards developers from drafting standards which injure consumers and/or small businesses? If "balancing" is necessary, what criteria and procedures should be used to determine the interests represented by various members of committees? Conversely, in light of the possible costs of compliance with §§ 457.3, 457.4, and 457.5, would reliance solely in the § 457.6 challenge procedures be sufficient to ensure adequate remedies for unfair, deceptive, and anticompetitive standards?

10. Should standards developers be required to develop all standards in accordance with the principles of § 457.6, rather than having only to evaluate specific standards with respect to those principles when challenged?

11. If the proposed rule were to go into effect, approximately how many requests for action per year would be submitted to the FTC for violations of the provisions of § 457.6? In the first year? In the fifth year after the proposed rule went into effect? Approximately how many of the complaints would come from parties who currently have no legal way (by antitrust suit or otherwise) to seek redress for alleged injuries?

12. Are there alternative mechanisms which would provide a means for resolving complaints without the necessity of specifying evidentiary burdens and substantive criteria? For example, would a requirement that a standards developer that receives a complaint about a standard set out in detail its evidence and reasoning in the matter result in resolution of most or all complaints?

13. Section 457.6 requires the standards developer to take action on a complaint (assuming that the complainant has met its threshold burden) unless it has "substantial evidence on the record as a whole" that its current standard is correct. Is this the proper evidentiary level that should be required or should a level that shows greater deference (e.g., some evidence) or less deference (e.g., preponderance of the evidence) to the standards developer selected?

14. Are the critiera in § 457.6(a) all of the substantive elements which are relevant to standards decisions, or should additional criteria be specified?

How well do the criteria strike the correct balance between the needs of uninformed buyers and the discouragement of unfair, deceptive, and anticompetitive standards? In particular, do standards by their very nature create possibly false presumptions of equivalence among conforming products? Under what circumstances are disclosures preferred to exclusions or graded standards and vice versa?

Will the criteria be effective in distinguishing legitimate from illegitimate claims? How might the criteria themselves be used by incumbent firms and/or standards setters to deter or delay the acceptance of new products? How might these tactics be stopped?

To what exent could grading criteria in standards misrepresent comparative characteristics of products with multiple attributes, e.g., by manipulation of attribute weighting criteria? In what other ways might unfair, deceptive or anticompetitive standards be adopted even while satisfying the basic principles in § 457.6(a)? How might the rule be altered to minimize this possibility at reasonable cost?

15. Under § 457.6, a standards developer is required to respond to a request for action within 60 days of receipt of the request. Is 60 days an appropriate length of time for a standards developer to determine whether or not a withdrawal, revision, or development of standard is called for?

16. Section 457.7 requires all appropriate actions that are commenced in response to a request under § 457.6 to be completed "within a reasonable period." If the appropriate action is development or revision of a standard, the standards developer is further required to commence action with respect to its own timetable, and to complete action within that timetable or to withdraw from the product area. Should the standards developer be allowed to amend its timetable? If so, for what reasons? If not, does the proposed rule encourage unnecessarily long timetables in order to avoid withdrawing from a product area?

17. Paragraph (g) of § 457.7 allows a 60 day extension of the timetable under certain specified conditions. Are those conditions appropriate? Should other conditions be added? Is the 60 day extension an appropriate length? Would an extension for a "reasonable period" allow completion of actions without encouraging undue delay in ending the harm that is occurring?

18. If there are multiple complainants about a particular position of a standards developer, should a period of time be allowed to consolidate requests before responding to the requests, e.g., should additional evidence on a request for action from *any* complainant operate to give the standards developer additional time to respond to the initial request (see § 456.6(c)(2))?

19. Should § 457.10 place a time limit on the availability of appeal to an unsuccessful complaint?

20. Should parties who have had notice and an opportunity to participate in a standards proceeding but have failed to participate be allowed to challenge the result of the proceeding, by requesting action under the challenge and appeal sections? Under what circumstances would denial of access to the challenge or appeal process be appropriate? Would this denial to persons who declined to participate in a proceeding provide an incentive for standards developers to provide wider notice and opportunity to participate to interested parties? Would denial of the challenge mechanism to parties that failed to participate in a standards proceeding result in the insulation of standards injurious to the public from challenge?

21. Certain activities are exempted from operation of the rule in §§ 457.11 and 457.15. Section 457.11 exempts some initial drafts of standards, some certifier test method development, and development of food, drug, and cosmetic standards. Should these activities be exempted from the standards development sections? What other activities should be exempted? Are there standards or industries for which this rule is particularly appropriate or inappropriate? Should the certification of used products be treated in the same manner under the rule as that of new products?

Section 456.15 exempts certain endorsements and testimonials, certifications procured by purchasers, and certifications relating to food, drugs, and cosmetics. Should these activities be exempted from the certification sections? What other activities should be exempted?

22. Should there be provisions in the rule for routine certifier duties, such as required factory inspections and use of statistically valid sampling plans, to insure the reliability of reported results? Should the rule permit limited public access to certifier records? If so, how could such access be structured to avoid disclosure of trade secrets?

23. To what extent would the disclosures required on seals of approval and in product listing directories by § 457.12(b) be read and understood by consumers, code officials, and other who rely on seals and listings? Is all of this information necessary? Might these disclosures create confusion for uninformed buyers? On the other hand, are there elements that should be required to be disclosed? Are there alternatives to requiring disclosures on seals, such as having the information available for those persons who request it, which would provide the necessary information without risking consumer confusion?

24. The certifier is required to perform certain duties relating to policing the use of its seal of approval by § 457.12(c) and (d). Is there sufficient uncorrected misuse of seals of approval to justify imposition of these duties on certifiers? Alternatively, are there adequate existing incentives for certifiers to police the use of their seals in marketing?

25. How might the requirements of § 457.13(d) be sidestepped by certifiers in practice? Is the term "reasonable buyer expectations" too vague?

26. Franchising and trademark licensing are technically certifications. However, because of the exemptions of internal company standards from the definition of standard (§ 457.2(1)), franchising and trademark licensing based on internal company standards would not be subject to the requirements of the certification sections of the rule. To what extent are franchising and trademark licensing based on standards which are not internal company standards? Should these activities be excluded from the rule? If so, how can a proper line be drawn between them and other forms of certification?

27. Does the proposed requirement in § 457.16 that an appeal board be "sufficiently independent of sponsoring * * * groups, so that it can render fair and impartial decisions" provide adequate guidance to sponsors of appeal boards and ensure impartiality of appeal boards? What other methods of insuring impartiality are available? What procedures and criteria, if any, should be established to determine whether an appeal board is sufficiently independent and whether individual members have conflicts of interest? Should the rule specify the composition of appeal boards, e.g., at least 51 percent public interest representatives?

28. Does the requirement that standards developers (§ 457.10) and certifiers (§ 457.13(e)) act "reasonably" with respect to the decision of an appeal board accord the proper amount of authority to appeal boards and the proper degree of deference to the standards developer of certifier? Should §§ 457.10 and 457.13(e) be amended to require standards developers and certifiers always to comply with decisions of the appeal board? Would the Commission have the authority to require compliance? Conversely, should the role of the appeal board be totally advisory? If the appeal board decision is not final, should standards developers and certifiers be required to furnish a written explanation of the failure to abide by the decision of the appeal board?

29. Is there reason to believe that practices declared illegal in § 457.17 (Marketing) are numerous (compared to other frauds relating to misuse of endorsements), cause serious consumer or competitive harm, and deserve to be covered separately by a Commission rule?

Additionally, should the rule require manufacturers, retailers or other persons in the chain of product distribution to notify a certifier whenever its seal or listings are being used in connection with the sale of products that do not perform as certified? What means, if any, would be appropriate to assure that consumer complaints about unsafe or shoddy goods sold under a seal of approval are transmitted to the certifier?

30. Section 457.17 imposes requirements relating to proper use of standards and certifications on all producers, distributors, retailers, and others involved in the marketing of products. Are there certain persons or activities covered by this section which should be exempted? Are there persons or activities not covered which should be added?

The section attempts to minimize affirmative burdens, especially on those persons lower in the chain of product distribution. Are there alternatives to the method used which should further minimize burdens while effectively ending misuse of standards and certifications?

31. Does the proposed rule adequately insure that consumer complaints to sellers relating to standards reach standards developers? How might the rule increase the likelihood that consumer complaints do reach standards developers?

32. The rule does not apply to individual participants in the standards process. Should the rule prohibit sellers or others from participating in the process or from using the resulting standards with the intent or effect of restraining trade or deceiving consumers?

33. How and to what extent do insurance companies and insurance rating bureaus affect standards development and certification activities? What are the effects on consumers and competition of basing insurance rates on compliance with private standards or certification requirements?

34. What is the relationship of standards development to rates of technological change? To what extent does the fixing of product quality through standards enhance or impede the introduction and diffusion of new products and the growth of markets? To what extent do current practices enhance or impede competition in the quality, availability, variety and safety of products?

35. What effects upon state and local laws, if any, would result from implementation of the proposed rule?

36. Should exercise of the procedural, challenge, and other rights and benefits established by the proposed rule, by persons or on behalf of products from foreign countries, be conditioned on the availability of substantially equivalent rights and benefits in such countries to persons or on behalf of products from the United States? The purpose of such a condition would be to encourage the elimination by other countries of technical barriers to international trade which might operate against products from the United States.

Such a condition could be accomplished by making revisions in the proposed rule such as the following. The existing paragraphs of § 457.11 would be redesignated as paragraphs (a)(1), (a)(2), and (a)(3), and a new paragraph (b) would be added to that section as follows:

(b) The standards developer shall have no obligation under this subpart with respect to persons or interests from countries in which procedural safeguards, challenge opportunities, and other benefits substantially equivalent to those provided under this subpart are not available to United States interests. The standards developer shall also have no obligation under §§ 457.6 and 457.7 with respect to claims (from any person) which would benefit only products which have such countries as their country of origin. For purposes of this section, adherence of a country to an international standards code for preventing technical barriers to trade, to which the United States has agreed, shall be deemed to result in the availability of substantially equivalant benefits.

A new paragraph (f) would be added to § 457.13 as follows:

(f) The certifier shall have no obligation under this section with respect to persons or products whose country of origin is one in which nondiscriminatory treatment, challenge opportunities, and other benefits substantially equivalent to those provided under this section are not available to United States interests. For purpose of this paragraph, adherence of a country to an international certification code for preventing technical barriers to trade, to which the United States has agreed, shall be deemed to result in the availability of substantially equivalent benefits.

What should be the scope of such provisions? Is the limitation, as proposed, broader than is necessary to encourage reciprocation by other countries? Would such a broad limitation result in added costs being imposed on consumers and others in this country which would outweigh its benefits?

Issues to be resolved under rule provisions such as those above include the following. What evidence, other than adherence to an international code, would establish that a country provides substantially equivalent benefits? Who would determine that countries are providing substantially equivalent benefits? The standards developer or certifier?

37. United States participation in international standards proceedings and development of U.S. positions for these proceedings are currently carried out by private interests. Should these activities be subject to the rule? If so, should all of the rule's provisions apply, or should the applicable provisions be limited or modified?

Are there other areas of international standards development and certification that should be addressed by the rule?

SECTION E. PUBLIC HEARINGS

Public hearings will be held commencing on April 16, 1979 at 9:00 a.m. in Room 15022, Federal Building, 450 Golden Gate Avenue, San Francisco, California and May 21, 1979 at 9:00 a.m. in Room 332, Federal Trade Commission Building, Pennsylvania Avenue and 6th Street, N.W., Washington, D.C. Persons desiring to present their views orally at the hearings should advise Henry B. Cabell, Presiding Officer (PU), Federal Trade Commission, Washington, D.C. 20580, 202-724-1045, as soon as possible.

The Presiding Officer appointed for this proceeding shall have all powers prescribed in 16 CFR 1.13(c), subject to any limitations described in this notice.

SECTION F. INSTRUCTIONS TO WITNESSES

1. *Advance notice.* If you wish to testify at the hearings, you must notify the Presiding Officer of your desire to appear and file with him your complete, word-for-word statement no later than March 26, 1979 for

witnesses at the San Francisco hearings and April 30, 1979 for witnesses at the Washington, D.C. hearings. This advance notice is required so that other interested persons can determine the need to ask you questions and have an opportunity to prepare. The written testimony will be entered into the record exactly as submitted. Consequently, it will not be necessary for you to repeat this statement at the hearing. You may simply appear to answer questions with regard to your written statement or you may deliver a short summary of the most important aspects of that statement within time limits to be set by the Presiding Officer. As a general rule, such oral statements and summaries should not exceed twenty minutes.

Prospective witnesses are advised that they may be subject to questioning by designated representatives of groups with the same or similar interests in the proceeding and by members of the Commission's staff. Such questioning will be conducted subject to the discretion and control of the Presiding Officer and within such time limitations as he may impose. In the alternative, the Presiding Officer may conduct such examination himself or he may determine that full and true disclosure as to any issue or question may be achhieved through rebuttal submissions or the presentation of additional oral or written statements. In all such instances, the Presiding Officer shall be governed by the need for a full and true disclosure of the facts and shall permit or conduct such examination with due regard for relevance to the factual issues raised by the proposed rule and the testimony delivered by each witness.

2. *Use of exhibits.* Use of exhibits during oral testimony is encouraged, especially when they are to be used to help clarify technical or complex matters. If you plan to offer documents as exhibits, file them as soon as possible during the period for submission of written comments so they can be studied by other interested persons. Such documents that may be unavailable to you during this period must be filed as soon as possible thereafter but not later than the deadline for filing prepared statements. Mark each of the documents with your name, and number them in sequence, e.g., Jones Exhibit 1. The Presiding Officer has the power to refuse to accept for the public record any hearing exhibits that are not furnished by the deadline.

3. *Expert witnesses.* If you are going to testify as an expert witness, you must attach to your statement a resume or summary of your professional background and a bibliography of your publications. It would be helpful if you would also include documentation for the opinions and conclusions you express by footnotes to your statement or in separate exhibits.

4. *Results of surveys and other research studies.* If in your testimony you will present the results of a survey or other research study, as distinguished from simple references to previously published studies conducted by others, you must also present as an exhibit or exhibits in compliance with paragraph 2 above the following:

a. A complete report of the survey or other research study and the information and documents listed in (b) through (e) if they are not included in that report.

b. A description of the sampling procedures and selection process including the number of persons contacted, the number of interviews completed, and the number of persons who refused to participate in the survey.

c. Copies of all completed questionnaires or interview reports used in conducting the survey or study if respondents were permitted to answer questions in words of their choice rather than to select an answer from one or more answers printed in the questionnaire or suggested by the interviewer.

d. A description of the methodology used in conducting the survey or other research study including the selection of and instructions to interviewers, introductory remarks by interviewers to respondents and a sample questionnaire or other data collection instrument.

e. A description of the statistical procedures used to analyze the data and all data tables which underlie the results reported.

Other interested persons may wish to examine the questionnaires, data collection forms and any other underlying data not offered as exhibits and which serve as a basis for your testimony. This information along with punch cards or computer tapes which were used to conduct analyses should be made available (with appropriate explanatory data) upon request of the Presiding Officer. The Presiding Officer will then be in a position to permit their use by other interested persons or their counsel.

5. *Identification, number of copies, and inspection.* To assure prompt consideration, all materials filed by prospective witnesses pursuant to the instructions contained in paragraphs 1-4 above should be identified as "Standards and Certification Statement" ("and Exhibits," if appropriate), and submitted in five copies when feasible and not burdensome.

6. *Reason for requirements.* The foregoing requirements are necessary to permit us to schedule the time for your appearances and that of other witnesses in an orderly manner. Other interested parties must have your expected testimony and supporting documents available for study before the hearing so they can decide whether to question you or file rebuttals. If you do not comply with all of the requirements, the Presiding Officer has the power to refuse to let you testify.

7. *General procedures.* These hearings will be informal and courtroom rules of evidence will not apply. You will not be placed under oath unless the Presiding Officer so requires. You are also not required to respond to any question outside the area of your written statement, although, if such questions are permitted, you may respond if you feel you are prepared and have something to contribute. The Presiding Officer will assure that all questioning is conducted in a fair and reasonable manner. The Presiding Officer further has the right to limit the number of witnesses to be heard if the orderly conduct of the hearing so requires.

The deadlines established by this notice will not be extended and hearing dates will not be postponed unless hardship to participants can be demonstrated.

SECTION G. NOTIFICATION OF INTEREST

Interested persons who wish to avail themselves of the opportunity to question witnesses must, by March 2, 1979, notify the Presiding Officer of their position with respect to the proposed rule and each individual provision thereof. This notification must be in sufficient detail to enable the Presiding Officer to identify groups with the same or similar interests respecting the proposed rule. The Presiding Officer may require the submission of additional information from any applicant whose notification is inadequate. Failure to file an adequate notification in sufficient detail may result in the applicant not being considered for purposes of questioning.

Before the hearings commence, the Presiding Officer will identify groups with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of conducting questioning and, if unable to make this selection, the Presiding Officer may select a representative of each such group. The Presiding Officer will notify all interested persons of the identity of the group representatives at the earliest practicable time.

Group representatives will be given an opportunity to question each witness on any issue relevant to the proceeding and within the scope of the testimony. The Presiding Officer may disallow any questioning which is not appropriate for full and true disclosure as to relevant issues. The Presiding Officer may impose fair and reasonable time limitations on the questioning. Given that questioning by group representatives and the staff will satisfy the statutory requirements with respect to disputed issues, no such issues will be designated by the Presiding Officer.

SECTION H. COMPENSATION OF WITNESSES AND REPRESENTATIVES

Pursuant to section 18(h) of the FTC Act, funds may be available for reimbursement of public participation costs incurred in this proceeding to those who satisfy the requirements of § 1.17 of the Commission's rules of practice. For further information contact Bonnie Naradzay, Special Assistant for Public Participation, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580, 202-523-3796.

SECTION I. POSTHEARING PROCEDURES

Interested persons will be afforded 40 days after the close of the public hearings to file rebuttal submissions, which must be based only upon identified, properly cited matters already in the record. The Presiding Officer will reject all submissions which are essentially additional written comment in contrast to rebuttal. The 40-day rebuttal period is intended to include the time consumed in securing a complete transcript of the hearings.

Not later than 120 days after the close of the rebuttal period the staff shall submit its report as required by § 1.13(g) of the Commission's rules of practice. The Presiding Officer's report shall be submitted not later than 45 days thereafter and shall be confined to points of difference with the staff report. Post record comments, as described in § 1.13(h), shall be submitted not later than 30 days after the submission of the Presiding Officer's report.

SECTION J. RULEMAKING RECORD

In veiw of the substantial rulemaking records that have been established in prior trade regulation rulemaking proceedings (and the consequent difficulty in reviewing such records), the Commission urges all interested persons to consider the relevance of any material before placing it on the rulemaking record. While the Commission en-

courages comments on its proposed rule, the submission of material that is not generally probative of the issues posed by the proposed rule merely overburdens the rulemaking record and decreases its usefulness, both to those reviewing the record and to interested persons using it during the course of the proceeding. The Commission's rulemaking staff has received similar instructions.

Material that the staff has obtained during the course of its investigations prior to the initiation of the rulemaking proceeding that is not placed in the rulemaking record will be made available to the public. From time to time during the proceeding the staff may place additional materials on the rulemaking record, and make other additional materials available for inspection by the public. Some of these materials may be exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552, but will have been determined by the staff to be relevant and helpful to interested persons. Trade secrets or other sensitive exempt materials will not be made available.

The rulemaking record, as defined in 16 CFR 1.18(a), will be made available for examination Room 130, Public Reference Room, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C.

By direction of the Commission, dated November 29, 1978.

CAROL M. THOMAS,
Secretary.

SEPARATE STATEMENT OF COMMISSIONER CLANTON

I have no difficulty supporting those aspects of the proposed rule which deal with procedural due process in the standards setting industry. In fact, if a rule is found to be justified, it may be desirable to go further by requiring consensus action, balanced membership and a binding appeals process. However, I am opposed to the inclusion of §§ 457.6 and 457.7, which deal with the substantive aspect of standards setting. It will be exceptionally difficult to define and enforce substantive standards. In my opinion, the due process sections provide adequate incentives to deter most of the anti-competitive problems that are likely to arise.

In addition, I do not support inclusion of the marketing section (457.17) in the proposed rule. Any problems which may crop up in this area can be adequately dealt with under existing law and Commission precedent.

[FR Doc. 78-34140 Filed 12-6-78; 8:45 am]

[6351-01-M]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Parts 1, 145, 147]

FORM 1-FR, FREEDOM OF INFORMATION ACT, AND GOVERNMENT IN THE SUNSHINE ACT

Proposed Form Change and Rules Changes

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed Form Change and Proposed Rules Changes.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing to adopt a revised Form 1-FR to be used for complying with the financial reporting requirements of § 1.10 of the Commission's regulations. In addition, the Commission is proposing to amend its rules under the Freedom of Information Act ("FOIA") (5 U.S.C. 552) concerning those portions of the Form 1-FR that will not generally be made public or released. Finally, the Commission is proposing to amend its rules under the Government in the Sunshine Act (5 U.S.C. 552b) with respect to closing Commission meetings to the public and withholding from the public certain information concerning the portions of the Form 1-FR that will not generally be made public or released. The proposed amendments are intended to implement the provisions of the revised minimum financial regulations which were recently adopted by the Commission (43 FR 39956, September 8, 1978).

DATES: Comments must be received by January 8, 1979.

ADDRESS: Send comments to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention Secretariat.

FOR FURTHER INFORMATION CONTACT:

John L. Manley, Chief Accountant, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581 (202) 254-5218.

SUPPLEMENTAL INFORMATION: The Commission adopted new minimum financial requirements on August 28, 1978,[1] which, among other things, amended the reporting requirements imposed upon futures commission merchants (FCMs) and changed the computation formula used to determine whether a futures commission merchant meets the Commission's minimum financial requirements. The preamble to the rules stated that the Commission would publish for comment proposed revisions in Form 1-FR reflecting the changes in the regulations. The proposed new Form 1-FR is set forth below. The following is a summary of the proposed changes in Form 1-FR:

1. The "Statement of Financial Condition" has been changed to provide the information needed to compute adjusted net capital but contains similar information to that previously required to be filed on the "Statement of Financial Condition";

2. The "Statement of the Computation of Minimum Capital Requirements" has been revised but includes similar information as existing schedules 1 and 2, "Determination Of Adequacy of Capital Position in Meeting Minimum Capital Requirements" and "Charges Against Unadjusted Working Capital;"

3. The "Statement of Income (Loss)" is new;

4. The "Statement of Changes in Financial Position" is new;

5. The "Statement of Changes in Ownership Equity" is new;

6. The "Statement of Changes in Liabilities Subordinated to the Claims of General Creditors" is new;

7. The "Schedule of Segregation Requirements & Funds In Segregation" for customers' commodity futures accounts has been amended but requires similar information to that previously required to be filed on schedule 3;

8. The "Schedule of Segregation Requirements and Funds In Segregation" for commodity option accounts is new; and

9. The revised Form 1-FR will no longer require the information previously required to be included on schedules 4 through 9.

CLARIFICATION OF CERTAIN PROVISIONS

The Commission believes that the proposed form, when read in conjunction with the minimum financial regulations which have previously been adopted,[2] does not require an elaborate explanation. However, certain items do require a brief explanation.

The boxes next to each line will be used to assist any computerization of the information obtained from the form. Certain exchanges already use data processing to facilitate their financial surveillance of their members.

The heading of each page of the Form 1-FR includes a space for a firm identification number. The Commission currently assigns a five digit identification number to each applicant for registration as a futures commission merchant but does not require FCM's to use this number when reporting on Form 1-FR. The Commission is considering using the number it assigns in the registration process in this heading. However, the Commission realizes that this may add another identification number to an already growing list of identification numbers each firm must have. The Commission is aware that many of the firms are already assigned identification numbers by the exchanges and/or the clearing organizations. In addition, each firm has a taxpayer identification number. Therefore, the Commission is specifically requesting comment on which identification numbers should be used when reporting to the Commission.

The Statement of Financial Condition and the Statements of Income (Loss), Changes in Financial Position, Changes in Ownership Equity, and Changes in Liabilities Subordinated to Claims of General Creditors filed in

[1] The regulations were published on September 8, 1978 at 43 FR 39956.

[2] 43 FR 39956 (September 8, 1978).

connection with the certified reports need not be filed in Form 1-FR format if the independent public accountant determines such format would be inconsistent with generaly accepted accounting principles for the financial statements of the applicant or registrant. If such a determination is made, the Statement of Financial Condition must be presented in a format which is as consistent as possible with Form 1-FR and a reconciliation must be provided which reconciles the Statement of Financial Condition to the Statement of the Computation of the Minimum Capital Requirements pursuant to § 1.17 of the Commission's regulations.

As was indicated in the FEDERAL REGISTER notices which accompanied the proposed amendments and the adoption of amendments to § 1.17,[3] the Commission's staff and representatives of the Securities and Exchange Commission (SEC) have initiated cooperative efforts in connection with their respective financial regulations. In part, as a result of such efforts, the Commission incorporated by reference the SEC's safety factors or "haircuts" on securities into its financial regulations. In addition, the Commission understands that the SEC's staff plans to recommend that its own Commission incorporate by reference the CFTC's safety factors on futures. If this step is taken, it will provide the requisite uniformity to permit those FCM's which are also registered with SEC as securities broker-dealers to comply with the Commission's financial reporting requirements by simply filing copies of the SEC's FOCUS Report[4] with the self-regulatory organizations and the CFTC.

PROPOSED AMENDMENTS TO COMMISSION RULE 145.5

The Freedom of Information Act (FOIA) basically requires that upon request, the Commission must make its records available to the public unless the records fall within the exemptions set forth in that Act. Section 552(b)(4) of that Act provides that "trade secrets and commercial or financial information obtained from a person and privileged or confidential" are exempt from mandatory public disclosure.[5] Rule 145.5(d)(1)(i) of the Commission's rules under the FOIA, 17 CFR 145.5(d)(1)(i), provides that certain of the information submitted to the Commission on and submitted with the Form 1-FR is to be treated as nonpublic. The Commission is now proposing to amend Rule 145.5(d)(1)(i) to conform its provisions to the proposed amendments to Form 1-FR.

Under the proposed rule, the following portions of Form 1-FR which are required to be filed pursuant to § 1.10 of the Commission's regulations will be treated as nonpublic provided that the procedure set forth in § 1.10(g) of the Commission's regulations is followed: The statement of Income (Loss), the Statement of Changes in Financial Position, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors Pursuant to a Satisfactory Subordination Agreement and related footnote disclosures thereof and the accountant's report on material inadequacies filed under § 1.16(c)(5) of the Commission's regulations.[6]

The instructions to the Form 1-FR state that the Commission may, however, disclose to third parties certain portions of the "nonpublic" information under those circumstances described in the instructions. If the applicant or registrant files a petition for confidential treatment of this information, Commission Rule 145.9 affords the applicant or registrant with notice and a right to appeal any Commission staff decision to disclose this information pursuant to a Freedom of Information Act request. The instructions also state that if the applicant or registrant believes that the placing of any other information submitted on or with Form 1-FR in the Commission's public files would constitute an unwarranted invasion of the registrant's or applicant's personal privacy or would reveal sensitive business information, the registrant or applicant may petition the Commission under Rule 145.9 to treat such other information as nonpublic. The notice and appeal rights referred to above would also apply to this information.

These instructions inform the applicant or registrant of the Commission's responsibilities in general and under the Freedom of Information Act and the applicant's or registrant's rights under the Commission's Freedom of Information Act rules. It is the Commission's policy that exempt records generally will be withheld from disclosure under the Freedom of Information Act. However, irrespective of this policy and of whether a person petitions the Commission for confidential treatment, the Commission has an obligation to determine whether its records are publicly available. In each case, the Commission examines the records subject to a request for access in order to determine their availability. If a determination is made that the records are nonpublic since they fall within one of the FOIA exemptions, they normally will not be disclosed. As stated above, a person who has submitted information and has accompanied the submission with a petition for confidential treatment will receive notice and appeal rights during the normal decision-making process by the Commission staff and the Commission itself as to disclosure or withholding or materials pursuant to the Freedom of Information Act. See 17 CFR 145.9. Those considering a petition are reminded of the requirement in Rule 145.9(i) that a petitioner intend in good faith to aid the Commission in any proceeding that might be brought to compel the Commission to disclose the information.[7]

PROPOSED AMENDMENTS TO COMMISSION RULE 147.3

The Government in the Sunshine Act[8] basically requires that Commission meetings be open to public observation and certain information pertaining to meetings be disclosed to the public unless a meeting is likely to focus on a matter exempt from the openess requirements of the Act. Sec-

[3] 42 FR 27168, (May 26, 1977), 43 FR 15076 (April 10, 1978), 43 FR 39956, (September 8, 1978).

[4] Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934.

[5] 5 U.S.C. 552(b)(4). In certain instances, some of the information on the nonpublic portions of Form 1-FR may also be subject to general protection from public disclosure under Section 8(a) of the Commodity Exchange Act if it "would separately disclose the business transactions or market positions of any person and trade secrets or names of customers." As such, that information would be entitled to be withheld from disclosure under FOIA pursuant to the exemption for matters specifically exempted from disclosure by a statute which requires withholding from the public. See Section 552(b)(3) of the FOIA, 5 U.S.C. 552(b)(3), and the Commission Rule 145.5(c) thereunder, 17 CFR 145.5(c).

[6] Section 1.10(g) requires that the other portions of the Form 1-FR be bound separately in order that nonpublic treatment be accorded to the portions listed in the text.

[7] The Commission has received two comments that suggested that the Commission amend Rule 145.5 (dealing with information generally regarded as nonpublic) to provide that if the Commission proposes to disclose any such information to third parties, the person who submitted the information should receive prior notice regardless of whether that person has petitioned for confidential treatment of the material pursuant to Rule 145.9. The Commission does not believe that such an amendment is warranted. The petition procedure provided by Rule 145.9 is clear and amply protects the interests of those who consider information submitted to the Commission to be confidential. The procedure provides the submitter an opportunity to make his views known to the Commission in advance of any request for information. In addition, the submitter receives notification of any intended disclosure of the information pursuant to the Freedom of Information Act and the right to appeal to the Commission any staff denial of his petition. The Commission believes that this procedure is satisfactory and enables those desiring to be notified of intended disclosure the opportunity to assure themselves that they will be so notified.

[8] 5 U.S.C. 552b.

tion 552b(c)(4) of the Act provides that Commission meetings or portions of meetings which are likely to "disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential" may be closed and that certain information with respect thereto may be withheld from the public.

Rule 147.3(b)(4)(i)(A) of the Commission's rules under that Act, 17 CFR 147.3(b)(4)(i)(A), permits the closing of Commission meetings or portions of meetings and the withholding from the public of certain information with respect thereto when such meetings or portions of meetings are likely to involve discussions of certain, nonpublic information submitted to the Commission on and submitted with the Form 1-FR. The Commission is now proposing to amend Rule 147.3(b)(4)(i)(A) to conform its provisions to the proposed amendments to Form 1-FR.

Under the proposed rule, the following portions of Form 1-FR which are required to be filed pursuant to § 1.10 of the Commission's regulations will constitute a basis for closing Commission meetings or portions of meetings and withholding from the public information pertaining thereto provided that the procedure set forth in § 1.10(g) of the Commission's regulations is followed: the Statement of Income (Loss), the Statement of Changes in Financial Position, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors Pursuant to a Satisfactory Subordination Agreement and related footnote disclosures thereof and the accountant's report on material inadequacies filed under § 1.16(c)(5) of the Commission's regulations.[9]

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act ("Act"), the Commission hereby proposes to amend Parts 1, 145, and 147 of Chapter I, of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. By amending Form 1-FR to read as follows:

FORM 1-FR

GENERAL INSTRUCTIONS

This form contains the financial statements and schedules which are required to be filed by each futures commission merchant or applicant thereof in accordance with the Commission's regulations. These instructions, and any other instructions issued from time to time, must be use in preparing this form and constitute part of this form.

The references in these instructions and on the financial statements and schedules to §§ 1.3, 1.10, 1.12, 1.16, 1.17, 1.18, 1.20-1.30, and 1.31, are to the Commission's regulations contained in 17 CFR Chapter I. The references to §§ 240.15c3-1 and 240.15c3-3 are to the Securities and Exchange Commission's regulations contained in 17 CFR Chapter II.

Before completing this form, the applicant or registrant should be familiar with the following sections of the Commission's regulations:

(1) 1.3—Definitions.

(2) 1.10—Application for registration and filing financial reports (futures commission merchants).

(3) 1.12—Maintenance of minimum financial requirements by futures commission merchants.

(4) 1.16—Qualifications and reports of accountants (if this report is required to be certified by an independent public accountant).

(5) 1.17—Minimum financial requirements—futures commission merchants.

(6) 1.18—Records for and relating to financial reporting and monthly computation (futures commission merchants).

(7) 1.20 through 1.30—Customers' money, securities, and property (commodity futures customer segregation).

(8) 32.6—Commodity option transactions segregation.

The terms "current assets," "liabilities," "net capital," "adjusted net capital," and "aggregate indebtedness" are all defined terms. The definitions of these terms may be found in § 1.17 of the Commission's regulations.

Section 1.10(d) of the Commission's regulations describes the required contents of these financial reports as follows:

(d) *Contents of financial reports.* (1) Each form 1-FR filed pursuant to this § 1.10 which is not required to be certified by an independent public accountant must be completed in accordance with the instructions to the form and contain: (i) A statement of financial condition as of the date for which the report is made; (ii) a statement of changes in ownership equity for the period between the date of the most recent statement of financial condition filed with the Commission (or the beginning of the fiscal quarter immediately following the effective date of this rule but in no event more than 90 days after such effective date) and the date for which the report is made; (iii) a statement of the computation of the minimum capital requirements pursuant to § 1.17 and a schedule of segregation requirements and funds on deposit in segregation, as of the date for which the report is made; and (iv) in addition to the information expressly required, such further material information as may be necessary to make the required statements and schedules not misleading.

(2) Each form 1-FR filed pursuant to this § 1.10 which is required to be certified by an independent public accountant must be completed in accordance with the instructions to the form and contain: (i) A statement of financial condition as of the date for which the report is made; (ii) statements of income (loss), changes in financial position, changes in ownership equity and, changes in liabilities subordinated to claims of general creditors, for the period between the date of the most recent certified statement of financial condition filed with the Commission (or the beginning of the fiscal year immediately following the effective date of this rule but in no event more than 1 year after such effective date) and the date for which the report is made: *Provided,* That for an applicant filing pursuant to paragraph (a)(2) of this section the period must be the year ending as of the date of the statement of financial condition; (iii) a statement of the computation of the minimum capital requirements pursuant to § 1.17 and a schedule of segregation requirements and funds on deposit in segregation, as of the date for which the report is made; (iv) appropriate footnote disclosures and (v) in addition to the information expressly required, such further material information as may be necessary to make the required statements not misleading.

(3) The statements required by paragraphs (d)(2)(i) and (d)(2)(ii) of this section may be presented in accordance with generally accepted accounting principles in the certified reports filed as of the close of the registrant's fiscal year pursuant to paragraph (b)(2) of this section or accompanying the application for registration pursuant to paragraph (a)(2) of this section, rather than in the format specifically prescribed by these regulations: *Provided,* The statement of financial condition is presented in a format as consistent as possible with the Form 1-FR and a reconciliation is provided reconciling such statement of financial condition to the statement of the computation of the minimum capital requirements pursuant to § 1.17. Such reconciliation must be certified by an independent public accountant in accordance with § 1.16.

(4) Attached to each form 1-FR filed pursuant to this § 1.10 must be an oath or affirmation that to the best knowledge and belief of the individual making such oath or affirmation the information contained in the form 1-FR is true and correct. If the applicant or registrant is a sole proprietorship, then the oath or affirmation must be made by the proprietor; if a partnership, by a general partner; or if a corporation, by the chief executive officer or chief financial officer.

The financial statements and schedules must be prepared in conformity with generally accepted accounting principles (except where otherwise indicated by the regulations) applied on a basis consistent with that of the preceding report. The financial statements and schedules must include, in the basic statements, schedules or accompanying footnotes, all informative disclosures which are necessary to make the required statements and schedules not misleading. The applicant or registrant must report all data after proper accruals have been made for income, expense and unrecorded liabilities; adequate reserves have been provided; and any other necessary adjustments have been made for the report to be on the accrual basis of accounting. If no response is made to an item or subdivision thereof, it will indicate a representation that the applicant or registrant has nothing to report.

This form with the exception of the Statement of Income (Loss), the Statement of Changes in Ownership Equity, the Statement of Changes in Financial Position, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors

[9] As noted above, § 1.10(g) requires that the other portions of the Form 1-FR be bound separately in order that nonpublic treatment be accorded to the portions listed in the text.

Pursuant to a Satisfactory Subordination Agreement, all footnote disclosures thereof and the accountant's report on material inadequacies filed under § 1.16(c)(5) of the Commission's regulations (provided the procedure set forth in § 1.10(g) of the Commission's regulations is followed) is considered by the Commission as a public record and will be available for inspection by any interested person. Copies will be available for public inspection at the Commission's office in which the form was filed. Under the provisions of the Freedom of Information Act (5 U.S.C. 552), the Commission may disclose to third parties portions of the "nonpublic" information listed above under the following circumstances: (1) In connection with matters in litigation; (2) in connection with Commission investigations; (3) where the information is furnished to regulatory, self-regulatory and law enforcement agencies to assist them in meeting responsibilities assigned to them by law; (4) where disclosure is required under the Freedom of Information Act; and (5) in other circumstances in which withholding of such information appears unwarranted. If the applicant or registrant files a petition for confidential treatment of this information, Commission Rule 145.9 affords the applicant or registrant with notice and a right to appeal any Commission staff decision to disclose this information pursuant to a request for information under the Freedom of Information Act. In addition, if the applicant or registrant believes that the placing of any other information submitted on or with this form in the Commission's public files would constitute an unwarranted invasion of the applicant's or registrant's personal privacy or would reveal sensitive business information, the registrant or applicant may petition the Commission to treat such other information as nonpublic pursuant to Rule 145.9 in response to requests under the Freedom of Information Act.

This form must be based upon the applicant's or registrant's accounting records. All accounting records, schedules and other memorandum which support amounts shown on the financial statements and schedules must be retained in accordance with § 1.31 of the Commission's regulations.

FORM 1-FR

Name of Registrant or Applicant	Firm ID NO.
Address of Principal Place of Business	Name of Person to contact concerning this report
	Telephone No. of Contact ( )
(City) (State) (Zip Code)	

1. Report for the period beginning _____ and ending _____.

2. Name of Designated Self-Regulatory Organization supervising registrant _____

3. If an audited report, identify independent public accountant expressing an opinion thereon:

   NAME _____

   ADDRESS _____
   (Number and Street)

   _____
   (City) (State) (Zip Code)

4. Check here if applicant or registrant is a securities broker-dealer and if this filing is the Securities and Exchange Commission's FOCUS report. ☐ ☐

5. Check here if registrant carries customer commodity options accounts. ☐ ☐

6. Check here if this is a consolidated report and, if so, list on a separate schedule the names of the subsidiaries or affiliates consolidated in this report. ☐ ☐

The futures commission merchant, or applicant for registration thereof, submitting this Form and its attachments and the person whose signature appears below represent that, to the best of their knowledge, all information contained therein is true, correct and complete. It is understood that all required items, statements and schedules are integral parts of this Form and that the submission of any amendment represents that all unamended items, statements and schedules remain true, correct and complete as previously submitted. It is further understood that any intentional misstatements or omissions of facts constitute Federal Criminal Violations (see 18 U.S.C. 1001).

Signed this _____ day of _____ 19___.

Manual signature _____

Please check: ☐ Sole Proprietor ☐ Chief Financial Officer
☐ General Partner ☐ Chief Executive Officer

FCM: / Firm ID NO.

FORM 1-FR

STATEMENT OF FINANCIAL CONDITION

AS OF ___/___/___

Assets

	Current	Non-Current	Total
1. Cash:			
A. Cash	$		$
B. Cash segregated for the benefit of commodity futures and option customers			
C. Other restricted cash		$	
2. Receivables from and deposits with clearing organizations:			
A. Securities transactions			
B. Commodities:			
i. Customer segregated			
ii. Customer not segregated			
iii. Noncustomer & firm			
3. Receivables from other futures commission merchants and brokers:			
A. Customer accounts:			
i. Segregated			
ii. Non-segregated			
B. Noncustomer & firm accounts			
C. Securities transactions (attach details or the FOCUS report)			
4. Receivables from customers:			
A. Securities accounts:			
i. Receivable			
ii. Allowance for doubtful accounts	( )	( )	( )
B. Commodity futures and options accounts:			
i. Debit and deficit accounts regulated			
ii. Debit and deficit accounts non-regulated			
iii. Allowance for doubtful accounts	( )	( )	( )
5. Receivables from noncustomers:			
A. Securities accounts (attach details or the FOCUS report)			

B. Commodities futures and options accounts:			
i. Debit and deficit accounts			
ii. Allowance for doubtful accounts	( )	( )	( )
6. Other receivables and advances:			
A. Merchandising			
B. Receivables from affiliates			
C. Insurance claims			
D. Dividends and interest . .			
E. Notes receivable			
F. Advances on cash commodities			
G. Other (itemize here or on a separate page)			
H. Allowance for doubtful accounts	( )	( )	( )
7. Securities purchased under agreement to resell			
8. Inventories of securities-readily marketable, at market value:			
A. Owned			
B. Customers owned in segregation			
C. Investment of segregated funds			
9. Inventories of cash commodities, raw materials, work in progress and finished goods . .			
10. Securities owned not readily marketable at estimated fair value			
11. Securities borrowed under subordination agreements and partners individual and capital securities accounts at market value			
12. Secured demand notes (market value of collateral $_____ -- safety factor charges applicable to such collateral $_____.			
13. Guarantee deposits with and stock in clearing organizations (at cost)			
14. Exchange memberships (at cost)			

15. Investments in and receivables from affiliates and subsidiaries			
16. Plant, property, equipment and capitalized leases (at cost net of accumulated depreciation and amortization of $_____) . . .			
17. Other assets:			
a. Prepaid expenses and deferred charges			
b. Miscellaneous (itemize here or on a separate page)			
18. Total Assets	$	$	$

FCM: / Firm ID NO:

FORM 1-FR

STATEMENT OF FINANCIAL CONDITION

AS OF ___/___/___

Liabilities & Ownership Equity

Liabilities	A.I. Liabilities	Non A.I. Liabilities	Total
19. Bank loans payable:			
A. Secured	$	$	$
B. Unsecured			
20. Securities sold under repurchase agreement			
21. Payable to clearing organizations:			
A. Securities accounts:			
B. Commodities accounts:			
i. Customer segregated			
ii. Customer non-segregated			
iii. Noncustomer & firm			
22. Payable to other futures commission merchants or brokers:			
A. Payables relating to securities transactions (attach details or the FOCUS-report)			
B. Payables relating to commodities transactions:			
i. Customer segregated			
ii. Customer non-segregated			
iii. Noncustomer & firm			
23. Payable to customers:			
A. Securities accounts:			
B. Commodities accounts:			
i. Regulated futures			
ii. Regulated options			
iii. Non-regulated			
24. Payable to non-customers:			
A. Securities accounts:			
B. Commodities accounts:			
i. General partners (not included in capital)			
ii. Other non-customers			
25. Securities sold not yet purchased at market value--including arbitrage			

26. Accounts payable, accrued liabilities and expenses:
   A. Drafts payable . . . . . .
   B. Accounts payable . . . . . .
   C. Income taxes payable . . . .
   D. Deferred income taxes . . .
   E. Accrued expenses and other liabilities . . . . . .
   F. Salaries, wages and commissions payable . . . . . .
   G. Advances against commodities
   H. Other (itemize here or on a separate page) . . . . . .

27. Notes, mortgages and other payables not due within twelve months of the date of this statement:
   A. Unsecured . . . . . .
   B. Secured . . . . . .

28. Liabilities subordinated to claims of general creditors:
   A. Subject of a satisfactory subordination agreement
   B. Not subject to a satisfactory subordination agreement . .

29. Total Liabilities . . . . . $ $

Ownership Equity

30. Sole proprietorship . . . . . .

31. Partnership:
   A. Partnership contributed and retained capital . . . . . .
   B. Additional capital per partnership agreement (equities in partners trading accounts, etc.)

32. Corporation:
   A. Preferred stock . . . . . .
   B. Common stock . . . . . .
   C. Additional paid in capital .
   D. Retained earnings . . . . .
   E. Sub-total . . . . . .
   F. Less capital-stock in treasury ( )

33. Total Ownership Equity . .

34. Total Liabilities and Ownership Equity $

FCM:	Firm ID NO:

FORM 1-FR

STATEMENT OF THE COMPUTATION OF THE MINIMUM CAPITAL REQUIREMENTS

AS OF ___/___/___

Net Capital

1. Current Assets - Item 18* . . . . . $_____

2. Adjustments to current assets:
   A. Segregated assets (to the extent liabilities are deducted in 4(B) below) . . . . . $_____
   B. Increase (decrease) to clearing organization stock to reflect margin value . . . . . _____
   C. Total deductions . . . . . (_____)
   D. Net current assets . . . . . $_____

3. Total liabilities - Item 29* . . . . . _____

4. Deduct:
   A. Liabilities subject to satisfactory subordination agreements - Item 28A* . . . _____
   B. Equities in customers commodity accounts:
      i. futures . . . . . _____
      ii. options . . . . . _____
   C. Long term debt pursuant to regulation 1.17(c)(4)(v) . _____
   D. Total deductions . . . . . (_____)
   E. Adjusted liabilities. . . . . _____

5. Net capital . . . . . $_____

Adjusted Net Capital Charges

6. Excess of advances paid on cash commodity contracts over 95% of the market value of commodities covered by such contracts . . . . . $_____

7. Five percent (5%) of the market value of inventories covered by open futures contracts or commodity options (no charges applicable

*References are to item numbers on the Statement of Financial Condition.

to inventories registered as deliverable on a contract market and which are covered by futures contracts) . . . . . .

8. Twenty percent (20%) of the market value of uncovered inventories . . . . . .

9. Ten percent (10%) of the market value of commodities involved in fixed price commitments and forward contracts which are covered by open futures contracts or commodity options. . . . . .

10. Twenty percent (20%) of the market value of commodities involved in fixed price commitments and forward contracts which are not covered by open futures contracts or commodity options. . . . . .

11. Charges as specified in §240.15c3-1(c)(2)(vi)(vii) (or for securities brokers or dealers only §240.15c3-1(f)) against securities:

(A) Securities owned:

	Assets Market Value	Charge
(a) Bankers' acceptances, certificates of deposit, & commercial paper	$	
(b) U.S. and Canadian government obligations		
(c) State and Municipal government obligations . .		
(d) Corporate obligations . .		
(e) Stocks and warrants		
(f) Arbitrage		
(g) Other securities		
(h) Other (list)		
(i) Total (a) - (h)	$	

(B) Investment of segregated funds . . . . . .

(C) Subordinated securities borrowings . . . . . .

(D) Total (A) (B) & (C) . . . . . .

12. Charges on securities options as specified in §240.15c3-1, Appendix A. . . . . .

13. Charges against open contractual commitments as specified in §240.15c3-1(c)(2)(viii). . . . . .

*References are to item numbers on the Statement of Financial Condition.

14. Undermargined commodity futures accounts -- amount in each account required to meet maintenance margin requirements less current margin calls:
    (A) Customer accounts . . . . . .
    (B) Noncustomer accounts . . . .
    (C) Omnibus accounts . . . . . .

15. Uncovered open futures contracts in proprietary accounts -- percentage of margin requirements applicable to such contracts . . . .
    Less: equity in proprietary accounts not otherwise includable in adjusted net capital . . ( )

16. Amount of any commodity option premiums used to increase adjusted net capital where registrant or applicant is a taker of a commodity option. . . . . .

17. Amount of any commodity option premium which has not been previously recognized as income by a grantor of commodity options . . . . . ( )

18. Ten percent (10%) of the market value of commodities which are the subject of commodity options carried long by the applicant or registrant which has value and such value increased adjusted net capital (this charge is limited to the value attributed to such options) . . . . . .

19. Five percent (5%) of all unsecured receivables from unregistered futures commission merchants or securities brokers or dealers . . . . . .

20. Secured demand note deficiency . . . . . .

21. For securities brokers or dealers all other deductions specified in §240.15c3-1. . . . . .

22. Total Charges . . . . . ( )

23. Adjusted Net Capital . . . . . $

*References are to item numbers on the Statement of Financial Condition.

Basic Computation

24. Minimum adjusted net capital required: enter the greater of 6 2/3% of Aggregate Indebtedness, Item 29*, or $50,000 ($100,000 for an FCM who is not a member of a designated self-regulatory organization after June 30, 1979) . . . . . $_____

25. Adjusted net capital -- Item 23 this statement . . . . . _____

26. Excess net capital . . . . . $_____

27. Enter the greater of $75,000 ($150,000 for an FCM who is not a member of a designated self-regulatory organization after June 30, 1979) or 8 1/3% of Aggregate Indebtedness -- Item 29* (If amount on line 25 is less than the amount on line 27, the applicant or registrant must immediately notify its designated self-regulatory organization and the Commission and commence filing monthly statements of its financial condition pursuant to Regulation 1.12) . . . . . $_____

Alternative Computation

28. If registrant has elected to report its financial condition in accordance with Regulation 1.17(g), enter the greatest of lines A, B, or C: . . . . . $_____

A. Enter $50,000 ($100,000 after June 30, 1979, if registrant is not a member of a designated self-regulatory organization) . . $_____

B. Enter 4% of the amount of funds required to be segregated for commodity futures and options customers . . . . . $_____

C. If a securities broker-dealer, enter 4% of the aggregate debit items computed in accordance with the formula for determination of reserve requirements (attach the computation of Exhibit A to SEC Rule 15c3-3) . . . . . $_____

29. Adjusted net capital -- Item 23 this statement . . . . . $_____

30. Excess net capital . . . . . $_____

*References are to item numbers on the Statement of Financial Condition.

31. Enter the greatest of $75,000 ($150,000 for an FCM who is not a member of a designated self-regulatory organization after June 30, 1979) or 6% of funds required to be segregated for commodity futures and options customers, or, for securities broker-dealers, enter 6% of the aggregate debit items computed in accordance with the formula for determination of reserve requirements (if the amount on line 28 is less than the amount on line 30, the applicant or registrant must immediately notify its designated self-regulatory organization and the Commission and commence filing monthly statements of its financial condition pursuant to Regulation 1.12) . . . . . $_____

*References are to item numbers on the Statement of Financial Condition.

FCM:	FIRM ID NO:

FORM 1-FR

STATEMENT OF INCOME (LOSS)

FOR THE PERIOD FROM _____ THROUGH _____

Revenues

1. Merchandising activities:
   A. Net Sales . . . . . $_____
   B. Cost of goods sold . . . . . (_____)
   C. Gross income from sales . . . . . $_____

2. Commissions & brokerage:
   A. Commodity futures transactions . . . . . _____
   B. Commodity options transactions . . . . . _____
   C. Security transactions . . . . . _____
   D. Security options transactions . . . . . _____

3. Firm trading accounts:
   A. Realized commodity futures and options . . . . . _____
   B. Unrealized commodity futures and options . . . . . _____
   C. Realized security and security options . . . . . _____
   D. Unrealized security and security options . . . . . _____

4. Interest & dividends:
   A. Interest earned on investments of customers' regulated commodity futures and options funds . . . . . _____
   B. Other interest and dividends . . . . . _____

5. Income from other security broker-dealer activities . . . . . _____

6. Other income (itemize material amounts here or on a separate page) . . . . . _____

7. Total Revenue . . . . . $_____

Expenses

8. Commission & brokerage:
   A. Commodity transactions . . . . . _____
   B. Security transactions . . . . . _____

9. Employee compensation and benefits (exclusive of commissions) . . . . _____

10. Occupancy and equipment rental . . . . . _____

11. Advertising and promotional activities . . . . . _____

12. Communications . . . . . _____

13. Bad debt expense: _____
    A. Commodity accounts . . . . . _____
    B. Security accounts . . . . . _____
    C. Merchandising . . . . . _____
    D. Other . . . . . _____

14. Interest . . . . . _____

15. Other expenses (itemize material amounts here or on a separate page) . . . . . _____

16. Total Expenses . . . . . $_____

17. Income (Loss) Before Income Taxes and Items Below . . . . . _____

18. Income tax expense . . . . . _____

19. Minority interest in income of consolidated subsidiaries . . . . . _____

20. Equity in earnings of unconsolidated subsidiaries less applicable tax . . . . . _____

21. Income (loss) before extraordinary items . . . . . _____

22. Extraordinary gains (loss), less applicable tax . . . . . _____

23. Cumulative effect of changes in accounting principles, less applicable tax . . . . . _____

24. Net Income (Loss) . . . . . $_____

STATEMENT OF CHANGES IN FINANCIAL POSITION

The statement may be in any format which is relevant, but must be in accordance with generally accepted accounting principles.

FCM:	Firm ID NO:

FORM 1-FR

STATEMENT OF CHANGES IN OWNERSHIP EQUITY

FOR THE PERIOD FROM _____ THROUGH _____

1. Total ownership equity as previously reported . . . . . .$_____
2. Net income (loss) for period . . . . . _____
3. Other additions to capital (explain below) . . . _____
4. Dividends . . . . . ( )
5. Other deductions from capital (including partner and proprietary withdrawals) (Explain below) . . . . . ( )
6. Balance -- to agree with Item 33 on the current Statement of Financial Condition . . . .$_____

Date	Explanation	Addition (Deduction) Amount
		$

FCM:	FIRM ID NO:

FORM 1-FR

STATEMENT OF CHANGES IN LIABILITIES

SUBORDINATED TO THE CLAIMS OF GENERAL CREDITORS

PURSUANT TO A SATISFACTORY SUBORDINATION AGREEMENT

FOR THE PERIOD FROM _____ THROUGH _____

1. Total subordinated borrowings as previously reported. . . . . .$_____

2. Increases (Explain below) . . . . . _____

3. Decreases (Explain below) . . . . . (_____)

4. Balance -- to agree with Item 28A on the current Statement of Financial Condition . . . . . .$_____

Date	Explanation	Amount Increase (Decrease)
		$

FCM: / FIRM ID NO:

FORM 1-FP
SCHEDULE OF SEGREGATION REQUIREMENTS AND FUNDS

IN SEGREGATION AS OF ___/___/___/___

CUSTOMERS' REGULATED COMMODITY FUTURES ACCOUNTS

SEGREGATION REQUIREMENTS

1. Net ledger balance:
   A. Cash . . . . . $_____
   B. Securities (at market) . . . . . _____

2. Net unrealized profit (loss) in open futures contracts . . . . . _____

3. Net equity (deficit) (Total of 1 and 2) . . . . . _____

4. Add accounts liquidating to a deficit and accounts with debit balances with no open trades . . . . . _____

5. Amount required to be segregated (Total of 3 and 4) . . . . . $_____

FUNDS ON DEPOSIT IN SEGREGATION

6. Deposited in segregated funds bank accounts:
   A. Cash . . . . . $_____
   B. Securities representing investments of customers' funds (at market) . . . . . _____
   C. Securities held for customers in lieu of cash margins (at market) . . . . . _____

7. Margins on deposit with clearing organizations of contract markets:
   A. Cash . . . . . _____
   B. Securities representing investments of customers' funds (at market) . . . . . _____
   C. Securities held for customers in lieu of cash margins (at market) . . . . . _____

8. Settlement due from (to) contract market clearing organizations . . . . . _____

9. Net equities with other FCMs . . . . . _____

10. Segregated funds on hand:
    A. Cash . . . . . _____
    B. Securities representing investments of customers' funds (at market) . . . . . _____
    C. Securities held for customers in lieu of cash margins (at market) . . . . . _____

11. Total amount in segregation (Total of 6 through 10) . . . . . $_____

12. Excess (insufficiency) funds in segregation (11 minus 5) . . . . . $_____

FCM:	FIRM ID NO:

FORM 1-FR

SCHEDULE OF SEGREGATION REQUIREMENTS AND

FUNDS IN SEGREGATION AS OF

___/___/___

COMMODITY OPTIONS ACCOUNTS

1. Amount required to be segregated in accordance with Commission regulation 32.6 . . . . . $_____

2. Funds in segregation
   A. Cash . . . . . $_____
   B. Securities (at market) . . . . . _____
   C. Total of A and B . . . . . _____

3. Excess funds in segregation (3 minus 2) . . . . . $_____

AUTHORITY: Sections 4b, 4f, 4g, 5a, 8a and 17 of the Commodity Exchange Act (7 U.S.C. §§6b, 6f, 6g, 7a, 12a, and 21, as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865 et seq.).

PART 145—COMMISSION RECORDS AND INFORMATION

2. In § 145.5, paragraph (d)(1)(i) is amended to read as follows:

§ 145.5 Nonpublic matters.

* * * * *

(d) * * *

(1) * * *

(i) The following portions, and footnote disclosures thereof, of the Form 1-FR required to be filed pursuant to § 1.10 of this chapter: *Provided,* The procedure set forth in § 1.10(g) of this chapter is followed: The Statement of Income (Loss), the Statement of Changes in Financial Position, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors Pursuant to a Satisfactory Subordination Agreement and the accountant's report on material inadequacies filed under § 1.16(c)(5) of this chapter;

* * * * *

(5 U.S.C. 552; sec. 2(a)(11), Commodity Exchange Act (7 U.S.C. 4a(j).)

PART 147—OPEN COMMISSION MEETINGS

3. In § 147.3, paragraph (b)(4)(i)(A) is amended to read as follows:

§ 147.3 General requirement of open meetings; grounds upon which meetings may be closed.

* * * * *

(b) * * *

* * * * *

(4) * * *

(i) * * *

(A) The following portions, and footnote disclosures thereof, of the Form 1-FR required to be filed pursuant to § 1.10 of this chapter: *Provided,* The procedure set forth in § 1.10(g) of this chapter is followed: The Statement of Income (Loss), the Statement of Changes in Financial Position, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors Pursuant to a Satisfactory Subordination Agreement and the accountant's report on material inadequacies filed under § 1.16(c)(5) of this chapter;

* * * * *

(5 U.S.C. 552b; sec. 2(a)(11), Commodity Exchange Act (7 U.S.C. 4a(j).)

Issued in Washington, D.C., on December 4, 1978, by the Commission.

GARY L. SEEVERS,
Acting Chairman, Commodity Futures Trading Commission.

[FR Doc. 78-34175 Filed 12-6-78; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 78-130]

DRAWBRIDGE OPERATION REGULATIONS

Ashley River, S.C.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Seaboard Coast Line (SCL) Railroad Company, the Coast Guard is considering changing the regulations governing the SCL bridge across the Ashley River, mile 12.0, to require that the draw open on signal from 7 a.m. to 11 p.m. At all other times the draw will open on signal if at least three hours notice is given. The draw is presently required to open on signal. This proposal is being made because of limited requests for openings from 11 p.m. to 7 a.m. This action will relieve the bridge owner of the burden of having a person constantly available to open the draw.

DATE: Comments must be received on or before January 8, 1979.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, 51 S.W. First Avenue, Miami, Florida 33130.

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: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal 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 THE PROPOSED REGULATIONS

An analysis of the bridge logs submitted for the period October 1977 through September 1978 show a total of 898 openings, of which all but seventeen were from 7 a.m. to 11 p.m. The Coast Guard feels that this demonstrates a potential for the requested change and the public is hereby given an opportunity to comment on this proposal.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.245(g)(19) immediately after § 117.245(g)(18) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) * * *

(19) Ashley River, mile 12.0, Seaboard Coast Line Railroad bridge, near Drayton Hall, S.C. The draw shall open on signal from 7 a.m. to 11 p.m. At all other times the draw shall open on signal if at least three 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 1, 1978.

J. B. HAYES,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc. 78-34198 Filed 12-6-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 1021-5]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by Minnesota Pollution Control Agency to National Can Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Minnesota Pollution Control Agency to National Can Corporation. The Order requires the company to bring air emissions from two two-piece manufacturing lines in St. Paul, Minnesota, into compliance with certain regulations contained in the federally approved Minnesota State Implementation Plan (SIP) by May 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 U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. 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 U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before January 8, 1979.

ADDRESS: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604. 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:

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604, 312-353-2082.

SUPPLEMENTARY INFORMATION: National Can Corporation operates a can manufacturing facility at St. Paul, Minnesota. The Order under consideration addresses emissions from two two-piece can manufacturing lines at the factility, which are subject to Minnesota Regulation APC-1(c)(4). The regulation limits the emissions of hydrocarbons and is part of the federally approved Minnesota State Implementation Plan. The Order requires final compliance with the regulation by May 1, 1979, through modification of the existing two-piece can lines to change the inside spray coating to a water borne formulation so that emissions from this coating are no more than 4.2 pounds of solvent emission per gallon of coating used exclusive of water.

Because this Order has been issued to a major source of hydrocarbon emissions and permits a delay in compliance with the applicable regulation, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. 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 Minnesota 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 U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. 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: November 24, 1978.

JOHN MCGUIRE,
Regional Administrator,
Region V.

[FR Doc. 78-34055 Filed 12-6-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1022-2]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency To Buckeye Sugars, Inc.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Buckeye Sugars, Inc. The Order requires the Company to bring air emissions from two coal-fired boilers in Ottawa, Ohio, into compliance with certain regulations contained in the federally approved Ohio 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 U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. 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 U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATES: Written comments must be received on or before January 8, 1979.

ADDRESS: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. 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:

Cynthia Colantoni, Enforcement Division, U.S Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois, 312-353-2082.

SUPPLEMENTARY INFORMATION: Buckeye Sugars, Inc., operates a sugar processing plant at Ottawa, Ohio. The Order under consideration addresses emissions from two coal-fired boilers at the facility, which are subject to

OAC 3745-17-10 and OAC 3745-17-07. The regulations limit the emissions of particulate matter, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by July 1, 1979, either by improving the efficiency of steam utilization, thereby permitting replacement of Boilers No. 1 and 2 with a small oil-fired boiler or by the installation of appropriate particulate control equipment on Boilers No. 1 and 2. Pending achievement of compliance with the Order, Buckeye Sugars, Inc., shall use the best practicable systems of emission reduction for the period during which the Order is in effect.

Because this Order has been issued to a major source or particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Clean Air Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. 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 Ohio 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 U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

Dated: November 24, 1978.

JOHN MCGUIRE,
Regional Administrator,
Region V.

[FR Doc. 78-34056 Filed 12-6-78; 8:45 am]

[4110-35-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Part 405]

MEDICARE PROGRAM

Beneficiary Liability for Nonreimbursable Services or Items

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed amendment would revise a current Medicare regulation that implements section 1879 of the Social Security Act. That section provides that a beneficiary is not required to pay for certain items or services erroneously charged to Medicare, if he did not know, and could not reasonably have been expected to know, that the items or services were not covered by Medicare. The current regulation has been interpreted by some Administrative Law Judges to mean that evidence of an oral statement to the beneficiary is sufficient for finding that he knew items or services were not covered. The purpose of the proposed amendment is to clarify the regulations by providing that a beneficiary will not be found to have knowledge that items and services are not covered unless he is given written notification from the provider, the fiscal intermediary, or some other appropriate source.

DATES: Consideration will be given to written comments or suggestions received on or before February 5, 1979.

ADDRESS: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013.

In commenting, please refer to MAB-31P. Comments will be available for public inspection beginning approximately 2 weeks after publication, in room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202-245-0950).

FOR FURTHER INFORMATION CONTACT:

Mendel J. Kaufman, Medicare Bureau, Room 127, East High Rise Building, Baltimore, Maryland 21235, 301-594-9232.

SUPPLEMENTARY INFORMATION: The proposed change is intended to assure uniform treatment for all beneficiaries under section 1879 of the Social Security Act (Limitation on Liability of Beneficiary Where Medicare Claims are Disallowed). That provision relieves a beneficiary from liability for payment if he acted in good faith in accepting items or services for which Medicare payment is later denied because the items or services are determined either to be not medically reasonable and necessary or to constitute custodial care. Under section 1879, Medicare payment may be made for these items or services if neither the provider of the items or services (or other person who accepted assignment under Part B) nor the beneficiary knew, or could reasonably have been expected to know, that the items or services were not covered (see § 405.330). If it is established that the provider of the items or services, but not the beneficiary, had knowledge that the items or services were not covered, section 1879 authorizes the Secretary to indemnify the individual for payments he has made to the provider. If the beneficiary files a timely request for indemnification, Medicare will pay him the amount he paid the provider or other person less deductibles and coinsurance and will then recover the payment from the provider or other person who had, or should have had, knowledge that the services were not covered (see § 405.331).

The present regulation cites four examples of evidence sufficient to find that a beneficiary knew or could have been expected to know that the services or items furnished him were excluded from coverage. Each example involves written notice to the beneficiary from an appropriate source that the services or items were not covered. However, the parenthetical phrase "(but shall not be limited to)" which now precedes the examples has been interpreted by some Administrative Law Judges to permit oral notices as adequate evidence that a beneficiary has been advised of noncoverage. The intent of that parenthetical phrase was not to allow oral notices to constitute sufficient evidence that a beneficiary knew of noncoverage, but rather to avoid excluding written notices from official sources other than those cited in the four examples.

The proposed amendment deletes the parenthetical phrase and makes other editorial changes in order to avoid any implication that an oral notice of noncoverage would be acceptable evidence for finding that a beneficiary had knowledge of the noncoverage of items or services furnished him. Thus, the beneficiary will be relieved of liability under section 1879 of the Act unless he has received a written notice advising him of the noncoverage of the items or services furnished to him or, in a prior case, he had received written notice with respect to similar or reasonably comparable items and services.

42 CFR 405.332 is amended by revising the title of the section and paragraph (a) to read as follows:

§ 405.332 Criteria for determining that there was knowledge that certain items or services were excluded from coverage.

(a) *The individual to whom items or services are furnished.* An individual furnished items or services which are excluded from coverage by reason of § 405.310(g) or § 405.310(k) shall not be found to have known, or to have reasonably been expected to know, that such items or services were excluded from coverage unless written notice had been given to the individual (or to a person acting on his behalf) that the items or services were excluded from coverage. Written notice may consist of the following:

(1) An intermediary or carrier informed the individual (or a person acting on his behalf) in writing that the items or services furnished were not covered;

(2) The group or committee responsible for conducting the utilization review function of the institution furnishing the items or services (see § 405.1035 or § 405.1137) made a finding that the items or services were not covered and informed the individual (or a person acting on his behalf) in writing that the services or items were not covered.

(3) The provider of services or other person furnishing the items of services to the individual informed the individual (or a person acting on his behalf) in writing that the items or services are excluded from coverage and an intermediary or carrier (whichever is appropriate) has determined on the basis of the provider's or other person's past billing practices that the provider or person can effectively distinguish between cases where the items or services furnished are covered under Medicare and where the items or services are excluded from coverage.

(4) In a prior case involving the individual, he was notified under the circumstances referred to in paragraph (a)(1), (2), or (3) of this section that similar or reasonably comparable items or services were excluded from coverage.

* * * * *

(Secs. 1102, 1871, and 1879 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395pp)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medicare Insurance)

Dated: October 30, 1978.

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

Approved: November 28, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-34172 Filed 12-6-78; 8:45 am]

[4110-02-M]

Office of Education

[45 CFR Parts 144, 175, and 176]

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS

Change in Location and Date of Hearing

AGENCY: Office of Education, HEW.

ACTION: Change in location and date of hearing.

SUMMARY: On November 8, 1978 (43 FR 52128) the Commissioner published in the FEDERAL REGISTER a notice of proposed rulemaking (NPRM) proposing changes in the institutional application procedures for the three "campus-based" Federal programs of student financial aid. Those three programs are popularly known as National Direct Student Loans, College Work-Study, and Supplemental Educational Opportunity Grants.

That NPRM announced the dates and places of four hearings on the proposed changes. In response to a public request, the date and place of one of those hearings is being changed

DATES: The hearing previously scheduled for December 4 in New Orleans is cancelled and will be replaced by a hearing on December 1 in Little Rock, Arkansas.

ADDRESS: The new hearing will be at:

December 1—Little Rock, Arkansas; University of Arkansas Conference Center, Library 517B, 33rd and University Avenue, Little Rock, Arkansas; 10 a.m. to conclusion. Contact person for scheduling presentation time: Ms. Carole Sivright, Dallas Regional Office (214) 767-3766.

FOR FURTHER INFORMATION CONTACT:

Mr. Jack Reynolds, 202-245-0231.

(20 U.S.C. 1070b-3; 42 U.S.C. 2756; 20 U.S.C. 1087bb(b))

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: November 28, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-34121 Filed 12-6-78; 8:45 am]

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25; Notice 29]

CONSUMER INFORMATION REGULATIONS

Uniform Tire Quality Grading; Extension of Comment Period

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Extension of period for public comment.

SUMMARY: This notice responds to a petition for extension of time to comment on NHTSA's announcement on radial tire treadwear test results relating to the Uniform Tire Quality Grading (UTQG) regulation. The closing date for comments is extended from December 4, 1978, to December 19, 1978.

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

ADDRESS: Comments should be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: On November 6, 1978 (43 FR 51735), NHTSA announced the availability for public inspection and comment of the data from agency testing of radial tire treadwear characteristics under the road test conditions of the UTQG Standards (49 CFR 575.104) and NHTSA's analysis of that data. The notice set a closing date for comments of December 4, 1978.

The Dunlop Tire Company has petitioned for an extension of time to comment on the test results due to

delays it has encountered in handling the data. Dunlop's petition proposed no time period for the requested extension. The Rubber Manufacturers Association has also indicated difficulty in submitting comments within the December 4 time frame. In order to provide all interested parties with an adequate opportunity to evaluate and comment on test results, NHTSA has determined that an extension of the comment period is justified. Accordingly, Dunlop's petition is granted and the comment closing date for Docket 25, Notice 28 is hereby extended until December 19, 1978.

The RMA has also requested identification of the course used in NHTSA's radial tire treadwear testing and the test procedures employed. While NHTSA does not as a matter of practice respond to docket comments during the comment period, in order to assist the RMA in commenting on the radial tire data the agency points out the statement in Notice 28 (43 FR 51735) that, "Following issuance of Notice 22, NHTSA conducted a program of tests of radial tires on the UTQG treadwear test course in San Angelo, Texas." NHTSA also calls to the RMA's attention the paper "Test of Tread Wear Grading Procedure—The Course Monitoring Tire Adjustment on Radial Tire Wear Rates" by Brenner and Williams (Docket 25, General Reference Number 105) which stated with regard to the subject radial tire testing, "The procedures used were those specified in the UTQGS regulation (49 CFR 575.104)."

Comments received by the new comment closing date will be considered prior to the establishment of an effective date for application of the UTQG regulation to radial tires. To the extent possible, late comments will be considered.

The principal author of this notice is Richard J. Hipolit of the Office of Chief Counsel.

(Sec. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: December 1, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 78-34093 Filed 12-4-78; 10:50 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1102]

[Ex parte No. 290]

PROCEDURES GOVERNING RAIL GENERAL INCREASE PROCEEDINGS

Data Requirements; Proposed Changes

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Various railroads filed petitions with the Commission on March 31, and May 9, 1978, requesting that this proceeding be reopened to make changes in the data requirements set forth at 49 CFR Part 1102 (published at 41 FR 11824 on March 22, 1976 and as corrected on October 3, 1977, at 42 FR 53602).

The proceeding was reopened by the Commission in a decision served November 20, 1978. Interested parties are invited to comment on the proposed changes in the regulations which are set forth under Supplementary Information.

DATES: Comments must be received on or before January 8, 1978.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, Room—5342

FOR FURTHER INFORMATION CONTACT:

Janice Rosenak or Harvey Gobetz, Interstate Commerce Commission, Washington, D.C. 20423, Phone 202-275-7693.

SUPPLEMENTARY INFORMATION: Interested parties are invited to comment on the following issues:

(1) Is the following proposed change in 49 CFR 1102.9 warranted? (New material is italicized.)

All underlying data used in preparation of the material outlined above, *with the exception of revenue-to-cost calculations by individual railroad by commodity,* shall be made available for inspection during usual office hours by any party of record in the office of the party serving such verified matter, *or at a designated location allowing reasonable access.*

This underlying data shall be made available before hearing and whenever a hearing is not held. The underlying data shall also be made available at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

All underlying data, with no exception, shall be made available for those commodities which the commission may choose to investigate pursuant to its decision in a general rate increase proceeding. the Commission shall have access to all underlying data at any stage of the proceeding upon request.

The purpose of this change is to let the railroads keep the computer tapes which calculate the actual revenue-costs ratios by commodities by individual carriers confidential at the protest level.

(2) Whether 49 CFR 1102.(4)(e) should be modified to read (new material is italicized) as follows:

The cost study shall be based on service unit costs developed for each individual study carrier through the use of Rail Form A costing procedures. These service unit costs shall be appropriately adjusted to reflect the transportation characteristics of the specified commodities, *and to reflect the operation characteristics associated with single-car, multiple car trainload and unit-train movements. The service unit costs* shall be applied to the respective individual carrier's traffic service units as determined from its traffic study.

The purpose of this change is to clarify when the railroads must make relevant adjustments to the system average costs calculated in Schedule C.

(3) Whether the term a "substantial number of commodities" as that phrase is used in 49 CFR 1102.1 should be clarified or defined further;

(4) Whether the regulations at 49 CFR 1102 should be changed to provide that a rail general increase in rates should become effective on a uniform date following authorization of the increase;

(5) Whether the following technical changes in the various Schedules required to be filed in general increase proceedings at 49 CFR Part 1102 are warranted;

H. G. HOMME, Jr.,
Secretary.

[7035-01-C]

PETITIONERS'

RECOMMENDED CHANGES IN EX PARTE 290 SCHEDULES

Item	Schedule/Line		Problem	Recommendations*
Net income	A	1	Net income includes extraordinary and prior period items, some of which do not apply to the current year. These are frequently non-cash accounting transactions which do not adequately reflect trends and income and should not be used in calculation of dividend payout ratio, return on equity, cash flow, throw-off to debt ratio and return on capitalization.	Change line 1 to read "Income before extraordinary and prior period items." Change formula to A.R. Sch. 300, L. 62, col. "b". Add line 1-A —Net Income. Calculate cash flow and other ratios using revised line 1.
Depreciation & retirements --equipment	A	3	Depreciation for shop machinery is omitted.	Change formula to A.R. Sch. 320, L. 68 + L. 81 + L. 82, col. "b".
Net railway operating income	A	11	The net gain or loss from operations and disposal of discontinued segments should not be deducted from NROI. (Accts. 560 and 562). (Also, see problems in Schedule B).	Change formula to A.R. Sch. 300, L. 22, col. "b". 1/
Current ratio	A	22	Material and supplies are neither liquid in nature nor intended to be converted to cash and, therefore, should not be included in current assets for calculation of current ratio.	Change formula to A.R. Sch. 200, L. 15 minus L. 12 + L. 64 + L. 65.
Cash flow	A	26	Cash flow incorrectly includes a number of non-cash items as the result of inclusion of extraordinary and prior period items in net income (line 1).	Change formula in Sch. A to L. 1 (revised) + L. 2 + L.3 + L. 12 minus L. 13. Item should read "Cash flow before dividends."
ICC instructions	B	–	Reference to "forecasted" data in second line of instructions was inadvertently retained by Commission after deciding to remove all forecast data from various schedules. (p. 3, ICC order, February 8, 1977). 2/	Delete "forecasted" and remove all references to "projected" in instructions for Schedules D-G.
Net railway operating income	B	Fn.1	Tax effects of operations and disposal of discontinued segments are incorrectly deducted from net revenue. (L. "d" and L. "e" of footnote 1). (Also, see problems in Schedule A). Also, "income from lease of road and equipment" must be deducted from "net revenue from railway operations" and "rent for leased roads and equipment" must be added to "net revenue from railway operations." (L. "f" and L. "g", footnote 1).	Revise formula as follows for footnote 1: L. "a" minus L."b" minus L."c" minus L."f" + L."g". (Present lines "d" and "e" should be deleted from the formula).
Cost of wage increases during period	E	7-8	(Line 7 should be conformed to line 8). Should be clarified to refer only to wage increases which occur during the base period and are paid during that period.	Amend line 8, column "a" to read "Cost of wage increase paid during period," and clarify language in line 7.

Item	Schedule/Line		Problem	Recommendations*
Payroll taxes attributable to freight service	F	8	Formula in column "b" is incorrect.	Amend formula in column "b" to read L. 5 x (Sch. E, L. 6 ÷ L. 1).
Pension costs attributable to freight service	F	11	Formula in column "b" is incorrect.	Amend formula in column "b" to read L. 9 x (Sch. E, L. 6 ÷ L. 1).
Increase in health & welfare cost over previous period	F	3	Language is in conflict with Schedule E, line 8, which calls for "cost of wage increases during period"--also has little relevance to increases specified in lines 2 and 6 of Schedule F. Also pro forma column (d) requires clarifying guidelines for this Schedule and Schedule E.	Delete "over previous period" and "over previous year" and insert in lieu thereof "paid during the period." 3/
Increase in payroll taxes over previous year	F	7		
Increase in pension costs over previous year	F	10		
Increase in total costs	F	14		
Schedule G	G	-	Computations do not accurately reflect productivity trends. There are two primary reasons: (1) the time span is too brief; and (2) ton-miles per freight service-hour is not, by itself a good index of productivity.	Eliminate Schedule G.
Base year	A&J	-	General instructions for determining base year and the latest calendar year when a filing is made in July appear to require that same year be reported in both columns--"d" and "e" for Schedule A--"c" and "d" for Schedule J. 4/	Amend instructions calling for latest calendar year to apply only when filing occurred in the last five months of a year rather than in the last six months. Otherwise, second most recent calendar month would be called for.
Transactions with affiliates	-	-	Decision published September 28, 1977, inadvertently dropped the $30,000 reporting limitation.	Commission should clarify as is done in Schedule J.

Footnotes:

* Annual report (R-1) references shown below are from 1977 report. Comparable data should be used for prior and subsequent periods.

** The relative portions of referenced pages in V.S. No. 1 are contained in Appendix B.

1/ Also, footnote in proposed R-1 report for 1978 should be adjusted to produce NROI on a comparable basis to previous years as was the intention. (See Chapter IV, p. 54).

2/ Similar error is repeated several times on page 26 of same Appendix relating to "recent, present and projected levels" in Schedules D-G.

3/ The recommended footnote for column "d" of Schedules E and F is "Column (d) should provide (1) the annualized cost of increases which occur on or near the effective date of the increases but after the base period, and (2) the added cost attributable to the differences between the cost of base period increases paid during the bases period and the annualized costs of such increase in the pro forma period. All of these calculations should be adjusted to employee levels, wage rates, productivity levels, and traffic conditions existing in the pro forma year."

[FR Doc. 78-33696 Filed 12-6-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

CLOVERDALE SALE BARN, CLOVERDALE, IND., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

FACILITY NUMBER, NAME, LOCATION OF STOCKYARD, AND DATE OF POSTING

INDIANA

IN-154, Cloverdale Sale Barn, Cloverdale, November 7, 1978.
IN-155, Producers Livestock Association, Vincennes, November 8, 1978.

MISSOURI

MO-244, Missouri Feeder Pig Auctions, Inc., Middletown, March 22, 1978
MO-246, Tina Feeder Pig Auction, Tina, May 26, 1978.
MO-245, MFA Livestock Association, Inc., West Plains Concentration Point, West Plains, June 2, 1978.

NORTH CAROLINA

NC-149, Gus Z. Lancaster Stockyards, Inc., Dunn, October 18, 1978.
NC-150, Ashe Stockyards Co., Inc., Jefferson, November 22, 1978.

Done at Washington, D.C., this *1st* day of *December*, 1978.

EDWARD L. THOMPSON,
Chief Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc. 78-34112 Filed 12-6-78; 8:45 am]

[3410-02-M]

Federal Grain Inspection Service

OFFICIAL AGENCY DESIGNATION

Cancellation of Amarillo Grain Exchange—Official Designation of Amarillo Grain Exchange, Inc., Proposal of Georgraphic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the cancellation of designation of the Amarillo Grain Exchange, Amarillo, Tex., and the designation of the Amarillo Grain Exchange, Inc., owned by Mr. Don R. Burris, as an official agency at Amarillo, Tex., to perform grain inspection services under the U.S. Grain Standards Act, as amended, effective August 11, 1978. This notice also proposes a geographic area within which the agency will operate.

DATE: Comments by January 8, 1979.

FOR ADDITIONAL INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 201 14th Street, S.W., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act (7 U.S.C. 79 and 79a), the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

On June 26, 1978, a notice was published in the FEDERAL REGISTER (43 FR 27574) announcing that (1) The Amarillo Grain Exchange (Exchange), Amarillo, Tex., requested that its designation as an official inspection agency be transferred to Mr. Don R. Burris, the General Manager of the Exchange; and (2) Mr. Don R. Burris applied for designation in accordance with Section 7(f)(1) of the Act (7 U.S.C. 79(f)(1)) to operate as an official agency at Amarillo, Tex., to be known as the Amarillo Grain Exchange, Inc.

Interested persons were given until July 26, 1978, to submit written views and comments with respect to the requested transfer of designation and/or to apply for designation to operate as an official agency at Amarillo, Texas. Forty-nine comments were received regarding the June 26, 1978, notice. All of these comments supported the proposed transfer. Twenty of the 49 comments were submitted by members of the former Exchange. Applications were received from the Alva Grain Inspection Department, Alva, Okla., and the Guymon Grain Inspection Inc., Guymon, Okla., to operate as the official agency at Amarillo, Tex.

The FGIS has conducted the required investigations of the three applicants, which included onsite reviews of their inspection points.

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79(f)(2)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

As a result of these investigations, and after due consideration of the request for transfer, the applications filed herein, and all views and comments received, the Amarillo Grain Exchange, Inc., owned by Mr. Don R. Burris, was selected for designation under the Act to perform official inspection functions (other than appeal inspection), not including official weighing, and the designation of the former Exchange was canceled, effective August 11, 1978.

A document designating the Amarillo Grain Exchange, Inc., as an official agency was signed on August 11, 1978. Said designation also includes an interim assignment of geographic area within which the official agency shall officially inspect grain. The geographic area assigned to the Amarillo Grain Exchange, Inc., on an interim basis, pending final determination in this matter is:

Bounded on the North by: The Texas-Oklahoma State line from New Mexico east;

Bounded on the East by: The Texas-Oklahoma State line south-southeast to Montague County; the Clay-Montague County line south to southern Clay County line;

Bounded on the South by: The Southern Clay County line; the western Clay County line north to Wichita County; the southern Wichita County and Wilbarger County lines; the western Wilbarger County line north to Hardeman County; the southern Har-

deman County line; the western Hardeman County line north to Childress County; the southern Childress County line north to U.S. Route 287; U.S. Route 287 northwest to Donley County; Donley County southern county line; the southern Armstrong County line west to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River northwest to State Route 217; State Route 217 west to Farm Market Road (FM) 1062; FM 1062 west to U.S. Route 385; U.S. Route 385 north to Oldham County; the southern Oldham County line west to State line; and

Bounded on the West by: The Texas-New Mexico State line north to Oklahoma.

Interested persons may obtain maps of the proposed geographic area from the Compliance Division, Delegation and Designation Branch.

The specified service point of the Amarillo Grain Exchange, Inc., is 1300 South Johnson Street, Amarillo, Tex. 79101, which is located within the agency's proposed geographic area. A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no licensed inspector is located. The designation document provides for the inclusion of additional specified service points and service locations which may be established in the future, within the agency's assigned geographic area.

Publication of this notice does not preclude future amendment of this designation, consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to the Amarillo Grain Exchange, Inc. All views or comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 201 14th Street, SW., Room 2405, Auditors Building, Washington, D.C. 20250. All materials submitted should be mailed to the Director not later than January 8, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made with respect to this matter.

(Sec. 4, Pub. L. 94-582, 90 Stat. 2868 (7 U.S.C. 75a); sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note))

Done in Washington, D.C. on November 30, 1978.

D. R. GALLIART,
Acting Administrator.

[FR Doc. 78-34113 Filed 12-6-78; 8:45 am]

[3410-11-M]

Forest Service

COLVILLE NATIONAL FOREST

Noxious Weed Control; Finding of No Significant Effect

An Environmental Assessment Report that discusses noxious weed control on approximately 1694 acres of National Forest lands in Ferry and Stevens Counties, Wash., is available for public review in the Forest Service Office in Colville, Wash.

Although this project involves application of the herbicide 2,4-D, and picloram the Environmental Assessment Report does not indicate that there will be any significant effect upon the quality of the human environment. Therefore, it has been determined that an environmental statement will not be prepared.

This determination was based upon consideration of the following factors, which are discussed in the Environmental Assessment Report: (1) application of the herbicide 2,4-D, and picloram in accordance with Federal, State, and local government regulations and requirements is not expected to have any unanticipated effects on the ecosystem; (2) there will be no irretrievable or irreversible resource commitments on the proposed project areas; (3) physical and chemical effects of 2,4-D, and Picloram when properly applied, have proven to be acceptable based on the best scientific evidence available; and (4) no known unique or rare resources within the proposed project areas.

Public concern has been expressed about possible effects of 2,4-D, and picloram on human health. Use of 2,4-D, and picloram in accordance with Federal and State regulations provides controls which guarantees protection of human health and welfare.

No action will be taken prior to 30 days from the date of publication in the FEDERAL REGISTER (January 8, 1979).

The responsible official is Robert B. Terrill, Forest Supervisor, Colville National Forest, 695 So. Main, Colville, Wash. 99114.

Dated: November 21, 1978.

ROBERT B. TERRILL,
Forest Supervisor.

[FR Doc. 78-33957 Filed 12-6-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket Nos. 34138, 34100, 34089; Order No. 78-11-154]

COMMUTER/CERTIFICATED CARRIER JOINT FARES

Tentative Decision and Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of November, 1978.

Section 37(c) of the Airline Deregulation Act of 1978, Pub. L. 95-504 requires *inter alia* that:

> Whenever the Board * * * prescribes a uniform method generally applicable to the establishment of joint fares, and the divisions thereof, between carriers holding certificates issued under Section 401 of (the) Act, it shall make such uniform method applicable to the establishment of joint fares, and the divisions thereof, between such air carriers and commuter air carriers.
>
> [T]his subsection shall apply to any [such] uniform method which the Board prescribes on and after December 27, 1974.

On December 27, 1974, the Board issued Order 74-12-108 which, subject to certain minor modifications contained in Order 75-8-26 (August 6, 1975) and a clarification contained in PS-80 (August 25, 1978) sets forth a uniform method for the establishment and division of joint fares between certificated carriers.

After the adoption of this uniform method, the Commuter Airline Association of America, Inc. (CAAA), on behalf of its members and itself, petitioned the Board to extend this uniform method to joint fares between commuter and certificated carriers (Docket 29707). After consideration, the Board, in Order 77-9-100, refused to do this because of its belief that the uniform method, based as it is on DPFI fares and costs, could not properly be applied to the largely unregulated commuter carriers. The Board viewed the extension of the division formula to commuter/certificated joint fares as providing an unjustified windfall to commuters.

Despite the Board's earlier finding, we must now act to effectuate the legislated will of Congress. In so doing it is neither considering nor adopting a new approach on policy grounds, but is performing a ministerial act. The Board explicitly repeats its intention, expressed in PS-80, to comprehensively examine and address the entire policy of joint fares.

Consequently, the Board is now issuing a tentative decision and order to be

effective January 22, 1979. That has been chosen as the effective date for the following reasons:

1. The uniform methods applies to the establishment of joint fares, as well as their division. A failure to make this rule prospective only would likely result in unlawful fares having been charged under conditions which could not be viewed as allowing carriers a reasonable opportunity to have charged lawful fares. There is, moreover, nothing the Board can do to restore the *status quo ante* in the numerous markets in which we believe were charged more than would have been permitted our joint fare formula.

2. A retroactive application of the 90 days notice requirement (the added responsibility imposed on commuters along with the benefits conferred by the uniform method of joint fare divisions) would have the unduly harsh result of permanently excluding from the uniform method any commuter airline which, since October 24, 1978, modified schedule over a route covered by an agreement with a certificated carrier. This result would be mandated by the portion of Section 37(c) which states that the uniform method "shall not apply" to any commuter carrier making such changes without having provided such notice. This could not be a result intended by Congress. Neither is there any indication that Congress intended the benefits of the uniform method to attach prior to the assumption of the obligation by the commuter carriers to give notice. To the contrary, one is clearly predicated on the other.

3. Although we are waiving the 30-day rule for joint fares between commuter and certificated carriers, and permitting such tariffs to be effective on one-day notice, nevertheless commuter carriers will face a heavy burden of filing. In addition to filing specific joint fares, as required by the uniform method, new tariffs will have to be filed to enable joint fares to be constructed over routes for which a specific tariff was not previously filed. A period of time must be allowed for this.

The Board has recently received two petitions which relate to this question. Docket 34089 concerns a CAAA petition that we (1) include commuters within the ambit of DPFI joint fares and divisions and (2) make such relief retroactive, at least with respect to divisions, "as of and from at least October 24, 1978." Docket 34100 is a joint petition of Altair Airlines, a commuter airline, and Wright Airlines, a certificated carrier, requesting that they too be brought within the DPFI provisions. With respect to the CAAA petition and Altair, the tentative action we describe above constitutes our response to the petitions. We feel free to act now without waiting for answers inasmuch as we are now issuing only a tentative order. If interested parties believe themselves aggrieved, they are free, of course, to file the statement of objections for which we provide below.

Wright's request raises a different issue. The Board has previously brought newly certificated carriers within the uniform joint fare and division formulae by show-cause procedures.[1] Such procedures seem overly cumbersome, particularly in the perspective of the Deregulation Act, inasmuch as it is difficult to imagine a basis for placing newly-certificated carriers on a worst or different footing than commuters. We will, therefore, propose that newly certificated carriers be made subject to uniform joint fare and division formulae 15 days after certification, unless it gives the Board timely notice of an intent not to participate. Other carriers or interested parties may object to such status either before, within, or after the 15-day period. Should an objection be received, the Board will issue an appropriate order on an expeditious basis.

We now make the following tentative findings:

1) The Board finds that application of the uniform method of establishing and dividing joint fares to interline routings between certificated and commuter carriers beginning January 22, 1979 is required by the Airline Deregulation Act of 1978. Pub. L. 95-504.

2) The Board finds that the uniform method of establishing and dividing joint fares should not apply to interline routings between certificated and commuter carriers, except in those specific cases previously ordered by the Board, until January 22, 1979.

3) The Board finds that newly-certificated carriers should be brought within the ambit of any joint fare and division formulae applicable to other carriers within 15 days of certification.

4) The Board finds that the issuance of this order is not a "major federal action significantly affecting the quality of the human environment" within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975, as defined in subsection 313.4(a)(1) of the Board's regulations.

ACCORDINGLY THE BOARD PROPOSES:

1. To amend paragraph 1 of Order 74-12-108, as amended by order 75-8-126, by revising the first paragraph to read as follows:

The maximum lawful joint fares hereafter to be demanded, charged, collected, and received by trunk, local, and commuter service carriers for interline transportation of persons, involving at least one certificated carrier, by said air carriers in the 48 contiguous states and the District of Columbia are as follows:[54]

2. To amend paragraph 6 of Order 74-12-108 to read as follows:

Divisions of all joint fares for transportation of persons by trunk, local, and commuter carriers for interline transportation involving at least one certificated carrier between points served by said carriers in the 48 contiguous states and the District of Columbia shall be based on the relative costs for the distances flown by each carrier participating in the interline carriage.

3. To add a new paragraph, to be paragraph 8a, to Order 74-12-108, to read as follows:

The provisions of this order, as amended, shall be applicable to all air carriers within 15 days of their certification unless otherwise provided by Board order. This paragraph shall not apply to any newly-certificated carrier that notifies the Board, before its certification, that it chooses not to accept these provisions.

4. To waive the requirements of 14 C.F.R. Section 221.160 and paragraph 3 of Order 74-12-108 that required tariffs to be filed 30 days before their effective date for 30 days from the date of this order with respect to tariffs involving joint fares between certificated and commuter carriers. During this period, such tariffs will be effective one day after filing.

5. That this uniform method of establishing and dividing joint fares shall not apply to any commuter air carrier which has an agreement with any air carrier to provide service for persons and property which includes transportation over its routes and which:

a) modifies, suspends or terminates such service; and

b) fails to provide ninety days notice of such modification, suspension or termination of service to the Board and to the carrier or carriers involved in such agreement.

We direct any interested person having objection to the issuance of this order to file with us no later than December 20, 1978, and to serve upon all the parties served with this order, a statement of objections together with a summary of facts, statistical data, and other materials relied upon to support the stated objections; answers to any such statements of objections will be due no later than December 29, 1978.

A copy of this order shall be served on all certificated and commuter airlines, and on the Commuter Airline Association of America, Inc..

We will publish this order in the FEDERAL REGISTER.

[1] *E.g., Air Wisconsin Certification Proceeding*, Order 78-8-197.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

All Members concurred.

[FR Doc. 78-34190 Filed 12-6-78; 8:45 am]

[6320-01-M]

[Docket Nos. 33477, 33647, 33840, 28337, 33850, 33839, 33847 and 33848, 33856, 33855, 33854, 33837; order No. 78-11-151]

TEXAS/GREAT LAKES-EASTERN CANADA SERVICE CASE

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of November, 1978. Applications of ALLEGHENY AIRLINES, INC., AIRLIFT INTERNATIONAL, INC., AMERICAN AIRLINES, INC., BRANIFF AIRWAYS, INC., CONTINENTAL AIR LINES, INC., DELTA AIR LINES, INC., EASTERN AIR LINES, INC., FRONTIER AIRLINES, INC., NORTH CENTRAL AIRLINES, INC., SOUTHERN AIRWAYS, INC., TEXAS INTERNATIONAL AIRLINES, INC.

By Order 78-9-90, adopted September 20, 1978, and served September 25, 1978, the Board instituted the *Texas/Great Lakes-Eastern Canada Service Case*, to implement a bilateral air transport agreement between the United States and Canada which provided new and expanded routes for U.S. air carriers. The case was to include consideration of the following issues:

(a) Do the public convenience and necessity require certification of one or more air carriers to engage in foreign air transportation on a subsidy ineligible basis between the following points:

(1) Cleveland, Ohio, on the one hand, and Toronto and Montreal, Canada, on the other;

(2) Detroit, Michigan and Montreal, Canada;

(3) Houston and Dallas/Fort Worth, Texas, on the one hand, and Toronto and Montreal, Canada, on the other;

(b) If the answer to subparagraph (a) is affirmative, in whole or in part, which air carrier(s) should be authorized to engage in such service, and what terms, conditions, and limitations, if any, should be placed on the operation of such carrier(s);

(c) Should Allegheny Airlines' temporary authority between Cleveland, Ohio, and Toronto, Canada be renewed, deleted, or otherwise modified.

We provided a reasonable period for the filing of applications, motions to consolidate, and petitions for reconsideration, and a further period for responsive answers.

A petition for reconsideration was filed by the Bureau of International Aviation (BIA) and answered by Braniff. BIA seeks to have the Board clarify the description in its instituting order of four U.S. routes authorized in the United States-Canada Civil Air Transport Agreement particularly with respect to selection of intermediate points. It points out that the U.S.-Canada bilateral describes routes by terminal points but permits a designated carrier to serve intermediate points in its home territory subject to three limitations: (1) intermediates must be geographically located between the specified terminals within reasonable proximity to an imaginary direct line connecting the terminal points; (2) no intermediate point may be selected which, when included on the designated route, would comprise another designated route which the air carrier is not authorized to serve; (3) no carrier may originate or terminate operations at an intermediate. Further, the Texas-East Canada route is limited to two intermediates. BIA asserted that in the absence of a clarifying amendment to our instituting order applications might be filed at variance with the bilateral limitations. Braniff answered that the BIA petition would serve as well as an amendment to our order. In fact, the applications filed have not run afoul of the bilateral limitations. We shall deny the BIA petition for reconsideration.

The Commonwealth of Puerto Rico also filed a petition for reconsideration, asking the Board to expand the proceeding to include Puerto Rico within the scope of the proceeding. Recognizing that the U.S.-Canada bilateral makes no provision for such routes, Puerto Rico points out that such a circumstance has not been a deterrent to the Board including markets in a case where such action was in the public interest. Here, it asserts, such action is in the public interest because (1) the markets are larger and receive poorer service than the markets in the case; (2) awards of authority in these markets would benefit, among others, air travelers, the Puerto Rican government and people, U.S. air carriers and the U.S. economy; and (3) it is unlikely that a better opportunity will arise for the consideration of these markets in the foreseeable future. Puerto Rico has made a substantial factual showing in support of its allegations summarized above.

The Government of the Virgin Islands of the United States filed an answer to Puerto Rico's petition for reconsideration.[1] It states that it did not file a petition for reconsideration seeking to include the Virgin Islands-Toronto/Montreal markets in the proceeding because "such a major geographical expansion seemed to us inappropriate where only a single, and not very dense, Caribbean market would be added." However, it urges that if Puerto Rico-Toronto/Montreal is added to the case, then Virgin Islands-Toronto/Montreal should also be added since the Virgin Islands compete for the same vacation travelers and are subject to the same or more severe service deficiencies. They agree with Puerto Rico that this may be the last chance to consider these markets in the near future and that the absence of these routes from the U.S.-Canada bilateral is not decisive.

BIA also filed an answer to Puerto Rico's petition for reconsideration. It opposes the petition on the grounds that (1) the San Juan-Toronto/Montreal route has little relationship to the other routes in the case, (2) it is not covered by the U.S.-Canada bilateral, and (3) its inclusion could delay the institution of service on the other routes, for which bilateral authority becomes effective April 29, 1979.

We have decided to deny Puerto Rico's petition for reconsideration and leave the scope of the proceeding as we fixed it originally. We do not quarrel with Puerto Rico's view that legally, and frequently practically, the Board may and should designate a carrier for a foreign route even though no authorization exists for such a route in the governing bilateral agreement. But it does not follow that it must do so in every case. The size and importance of the market and the geographical unity of the markets which governed the *Seattle/Portland-Japan Service Investigation*, Order 78-10-42, and the *Yucatan Service Case*, Order 78-8-100, cited by Puerto Rico, are not present here. Moreover, if San Juan-Canada markets are included then the Virgin Islands are entitled to consideration with possible complications from many other Caribbean points. The scope and focus of the proceeding would be radically altered causing delay, inefficiency, and unfairness to the original applicants. *San Francisco-Reno-Albuquerque-Texas Service Investigation*, Order 78-10-103, p. 2. This does not mean that an investigation of the markets connecting Toronto and Montreal with Puerto Rico and the Virgin Islands is not warranted or will be bypassed for the foreseeable future, as has been suggested, but only that they should be considered on their merits in a separate proceeding.

Several applications have been filed in addition to those previously consolidated. Applications to serve all of the precise markets placed in issue by our order were filed by Allegheny in Docket 33647, Delta in Docket 33839,

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[1] The Virgin Islands also filed a motion to intervene in the event that Puerto Rico's petition for reconsideration is granted. Since we are denying Puerto Rico's petition, the Virgin Islands' motion to intervene is moot and will be dismissed.

Airlift International in Docket 33840, Continental in Docket 33850, and North Central in Docket 33855. Applications to serve only the Great Lakes points and the Eastern Canada points (segments (1) and (2) of the Board's description of issues) were filed by Southern in Docket 33854 and Frontier in Docket 33856. Also, Braniff filed Amendment No. 1 to its application in Docket 28337 (already consolidated) to include the Detroit, Mich.-Montreal, Canada market as well as the Texas-East Canada markets applied for earlier.[2] Texas International (TXI) applied for the co-terminal points Houston/Dallas/Fort Worth, the intermediate points St. Louis, Mo. and New Orleans, La., and the co-terminal points Toronto/Montreal, Canada in Docket 33837. Eastern filed two applications for consolidation into this case. The first, Docket 33847, sought authority between the Texas and Eastern Canada points with St. Louis, Mo. and Pittsburgh, Pa., as intermediates. The second application, Docket 33848, sought authority between the co-terminals Pittsburgh, Pa. and St. Louis, Mo. and the co-terminals Dallas/Fort Worth and Houston, Tex.

Each of the applications was accompanied by a motion to consolidate it into Docket 33477. We shall grant the motions to consolidate the applications of Allegheny in Docket 33647, Delta in Docket 33839, Airlift in Docket 33840, Continental in Docket 33850, North Central in Docket 33855, Southern in Docket 33854 and Frontier in Docket 33856, and Braniff (Amendment No. 1) in Docket 28337. All of these applications request authority at issue in this case and their consolidation will be conducive to the proper dispatch of the Board's business and the ends of justice.

The applications of TXI in Docket 33837 and Eastern in Docket 33847 seek authority between the Texas terminal points and the East Canada terminal points in each case with two named intermediates. In the case of TXI the intermediates are St. Louis and New Orleans and for Eastern, St. Louis and Pittsburgh. As noted earlier, the addition of two intermedite points on the Houston/Dallas/Fort Worth Toronto-Montreal route accords with the U.S.-Canada bilateral. The only limitation of the bilateral drawn into question is that which provides that intermediates must be geographically located between the specified terminals within reasonable proximity to an imaginary direct line connecting the terminal points. We conclude that the intermediates named by TXI and Eastern in these applications, namely, St. Louis, New Orleans, and Pittsburgh, are within reasonable proximity of such an imaginary line between the Texas and East Canada terminals.[3] We find that these intermediates may be considered in this case and that TXI's motion to consolidate its application in Docket 33837 will be granted. Eastern's motion to consolidate will also be granted insofar as it relates to Docket 33847.

Eastern's motion also seeks consolidation for its application in Docket 33848. That application requests a new segment on its Route 5 authorizing Pittsburgh/St. Louis-Dallas/Fort Worth/Houston service. Such a request has no necessary relationship to the implementation of the bilateral agreement or the original scope of the proceeding. It will expand the issues and delay the proceeding and, if allowed to become a precedent, could cause incalculable harm to the swift completion of the proceeding. We shall deny Eastern's motion to consolidate insofar as it relates to its application in Docket 33848.[4]

Petitions for intervention have been filed by the Indianapolis Airport Authority (Indianapolis), the Greater Cincinnati Chamber of Commerce, City of Cincinnati, and Kenton County Airport Board, operators of the Greater Cincinnati Airport (the Cincinnati Parties), and by Board of County Road Commissioners of the County of Wayne, Michigan, and Greater Detroit Chamber of Commerce (the Detroit Parties). Each of these persons appears to have a sufficient economic interest in the case of justify its participation and no one has filed an objection to any of the petitions. We shall permit Indianapolis, the Cincinnati Parties, and the Detroit Parties to intervene.

ACCORDINGLY,

1. The petitions for reconsideration of Order 78-9-90 filed by the Bureau of International Aviation and the Commonwealth of Puerto Rico are denied.

2. The contingent motion to intervene filed by the Government of the Virgin Islands is dismissed.

3. The motions to consolidate into Docket 33477 the applications filed by Allegheny Airlines in Docket 33647, Delta Air Lines in Docket 33839, Airlift International in Docket 33840, Continental Air Lines in Docket 33850, North Central Airlines in Docket 33855, Southern Airways in Docket 33854, Frontier Airlines in Docket 33856, Braniff Airways (Amendment No. 1) in Docket 28337, Texas International Airlines in Docket 33837, and Eastern Air Lines in Docket 33847 are granted.

4. The motion of Eastern Air Lines to consolidate into Docket 33477 its application in Docket 33848 is denied.

5. The petitions for intervention in Docket 33477 filed by Indianapolis, the Cincinnati Parties, and the Detroit Parties are granted.

6. Except to the extent granted, all other written requests in this case are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-34191 Filed 12-6-78; 8:45 am]

[2] It is the same Texas-East Canada market that American Airlines applied for in Docket 32746 which was consolidated by Order 78-9-90.

[3] Although not yet directly involved in this issue, we find that San Antonio, Corpus Christi, Indianapolis, and Cincinnati, where intervenors are located, are also within reasonable proximity of such an imaginary line.

[4] Procedurally, such an expansion of the scope of the proceeding should have been sought in a petition for reconsideration. As is evident, we would have denied such a petition.

[6320-01-M]

[Docket No. 33276; Order No. 78-11-153]

TRANS WORLD AIRLINES, INC.

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington D.C. on the 30th day of November, 1978.

By Order 78-9-38, August 23, 1978, the Board suspended, pending investigation, five percent increases in winter/low season normal economy class fares proposed by Trans World Airlines, Inc. (TWA). On September 18, 1978, that carrier filed a petition for reconsideration of this action.

Arguing that the Board has made improper use of its suspension powers to get policy concessions on unbundling normal economy fares, TWA states the Board's belief that transatlantic fares are less cost-related than domestic fares is factually unproven; it may be disregarding the many cost differences between domestic transcontinental operations and transatlantic operations, which on a unit basis are 13.5% more costly; only a general fare increase will arrest the decline in transatlantic yields; the order makes no finding of potential unlawfulness of the level or structure of economy fares either existing or proposed, but rather it is an example of regulatory arm-twisting to extract desired concessions on fares without regard to the judgment of carrier management; and although the recently terminated *North Atlantic Fares Investigation, (NAFI)* might have been the proper forum to examine economy fares, the Board presently has no international ratemaking standards, has expressed an intent to abandon rate regulation to carriers, and, therefore, has no

grounds upon which to base a suspension.[1] It states that investigation of its economy fares is futile since the real issues seem ones of policy, touching on competition among incumbent carriers and entry of new carriers, which are best resolved through intergovernmental discussion; further, it is difficult to determine exactly what the issues to be investigated will be since suspension was not based on any finding of excessive earnings and no changes were proposed in the existing structure of fares; and were the issue one of fare structure, it would have industry-wide ramification, extending beyond the fare increases, thus requiring a general investigation of the *NAFI* type. TWA argues that certain ignored realities of international competition, such as foreign carrier insistence on being competitive in all transatlantic markets, unwillingness to accept the principle of constructing through fares by combination of local fares, and lack of economic incentive to lower pro-rate requirements on interlines, make unbundling of economy fares impossible to achieve; further, the United States' position in recent talks with Holland and others affirming foreign carrier rights to fifth and sixth freedom traffic at the lowest available fare leaves TWA at a loss for a practical approach to unbundling since stopover and circuity costs on intermediate flight segments operated mainly for other markets are small; the nature of many foreign carrier's route structures in effect guarantees free circuity and possibly free stopovers; given these circumstances, unbundling would produce unacceptable revenue losses for all U.S. transatlantic flag carriers; even with a 5-percent increase in current economy fares, TWA would experience an annual $27 million loss in revenue if it introduced an unbundled on-demand fare for point-to-point travel at 22/45-day excursion fare levels because of lost revenue from the reduction, diversion from higher 14/21-day excursion fares and prorate absorption[2]; it would take an additional 20-percent increase in promotional fares to cover this loss; unbundling would cripple U.S. carrier ability to compete equally with foreign carriers; and if the Board could achieve prorate reform or acceptance of the combination of local fares principle by interlining carriers, TWA would look favorably upon unbundling.

We have carefully considered TWA's arguments and conclude we should deny its petition for reconsideration.

First, we clearly have properly exercised our suspension powers. The Federal Aviation Act of 1958 gives us broad discretion in the use of these powers to suspend fares we conclude are not in the best interests of the public, and this has been affirmed by the courts. Additionally, the Act charges us to promote competition, which includes price competition among carriers. In Order 78-9-38, we concluded that while noticeable price competition exists in the discount fare categories, there is none in regular economy fares and if we approve the increases, they would simply be adopted by other carriers with the result that regular economy fare passengers would continue to be excluded from the benefits of an improving competitive regime.[3] We also noted that over the years, these fares have been established in a long series of carrier agreements at levels well above the costs of direct point-to-point carriage, high enough to cover the costs of providing services not required for basic point-to-point transportation and high enough to protect generally high costs carriers.[4] We concluded that point-to-point normal economy fare passengers, who by TWA's own admission constitute a substantial portion of total normal economy fare passengers, should not be charged fares that are even higher than those already in effect.[5] These passengers are already called upon to subsidize other normal economy fare passengers who make use of stopovers and circuity. In these circumstances it was clearly reasonable to suspend the fare increases.

Further, we do not believe TWA's argument that the suspension was motivated by the desire to force certain fare structure changes is particularly relevant. Many suspensions have the effect of encouraging structural reforms and as such act as a vehicle to articulate new or evolving policy or to implement established policy. That result does not affect our powers under the Act to suspend a clearly unlawful fare.

Nor are we swayed by TWA's suggestion that no basis for suspension exists in the absence of prescribed international rate-making standards or that any investigation of its suspended economy fares is futile unless the Board undertakes a general *NAFI* type investigation of all economy fares. On the contrary, as far back as 1975, in a policy statement issued prior to an IATA passenger conference, we stated the view that normal economy fares were too high. Subsequently, we denied approval to numerous IATA and individual carrier proposals that would have increased these fares.[6] By now our policy on carrier proposals which merely increase normal economy fares with no thought to their structural reform should be well known to the carriers. Therefore any future suspensions and investigation of individually filed normal economy fare increases is not at all inconsistent with the termination of *NAFI*.

Finally, we do not agree with TWA's position that unbundled economy fares are unacceptable to foreign governments, impractical, and financially ruinous. On the first point, we note that to the extent unbundled fares have been placed in transatlantic markets, it has been at the intitiative of foreign carriers with the acquiesence of their governments. Alitalia pioneered with a partially unbundled, direct service, one-stopover fare in the U.S.-Italy market and, subsequently, similar fares were introduced in other southern European markets. In the United Stated-United Kingdom market British Caledonian had a partialy unbundled "executive class" fare for on-demand point-to-point transportation during the peak summer season. We are also seeking the liberalization of existing rate articles in bilateral air transport agreements which, when implemented, should make the filing of unbundled economy fares for direct point-to-point service by U.S. carriers much easier.[7]

On TWA's last two points, TWA must have misinterpreted our suspension order. What we said in that order was that existing normal economy fares include costs of various services, including stopovers, circuity, and prorates, in addition to the costs of basic point-to-point transportation. It is pos-

[1]The carrier argues that suspension powers can be used only when there is a reasonable expectation that the tariffs will be found unlawful and that rate payers would suffer substantial harm if they are exposed to the tariff during the course of investigation. Neither consideration is presented, says TWA, by its proposed economy fare increases.

[2]TWA claims it prorate absorption on regular economy fares has increased steadily since 1974, the last time increases were approved, and would become even more acute with unbundled fares, especially if matching European carriers increased their intra-European fares to cover transatlantic losses.

[3]See also Orders 78-10-61, October 5, 1978, and 78-10-143, October 20, 1978, where we suspended the transatlantic winter normal economy fare increases of other carriers.

[4]Recently, El Al proposed a New York-Tel Aviv basic season "Holiday class" normal fare which, while not completely unbundled, is an unrestricted, on-demand fare that is $195 below the existing normal economy fare.

[5]TWA indicates that almost one-third of its total normal economy fare passengers use only point-to-point services.

[6]See, for example, Order 76-4-175, April 30, 1976; Order 76-6-180, June 18, 1976; Order 76-7-36, June 29, 1976; Order 76-10-108, October 15, 1976; and Order 77-3-54, March 9, 1977.

[7]TWA raises the issue of third country carrier participation in any unbundled fares filed by third/fourth freedom carriers. We believe that third-country carriers should be permitted to decide on their own whether to match such fares over an indirect routing at their discretion.

sible that as a consequence of not raising these fares for almost four years the average cost of bundled economy fares may, along with other fares, produce an unsatisfactory return for TWA. We believe the way these fares are priced must be changed precisely because they are now related to the average costs of carriage of all economy fare passengers. The existing fare is the same for a direct service, point-to-point passenger as for a multiple stopover passenger, it does not reflect the desires of the direct service point-to-point passenger, and it forces that passenger to subsidize the more costly itineraries of other economy fare passengers. If TWA reduced its economy fare for point-to-point carriage and either established separate charges for the other service elements to be added to the basic point-to-point fare, or established a separate fare for these higher cost passengers, such a proposal would receive careful consideration from the Board.

Accordingly:

1. We deny Trans World Airlines' petition for reconsideration; and

2. The Dockets Section will serve a copy of this order on Trans World Airlines, Inc.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[8]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-34192 Filed 12-6-78; 8:45 am]

[3510-24-M]

DEPARTMENT OF COMMERCE

Economic Development Administration

QUAKER SHOE CORP., Q-T SHOE MANUFACTURING CO., INC., AND GOLD MILLS, INC.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from three firms: (1) Quaker Shoe Corporation, 327 South Carlisle Street, Allentown, Pennsylvania 18103, a producer of footwear for men, women and children (accepted November 20, 1978); (2) Q-T Shoe Manufacturing Company, 629 East 19th Street, Paterson, New Jersey 07514, a producer of women's footwear (accepted November 29, 1978); and (3) Gold Mills, Inc., 1430 Broadway, New York, New York 10018, a producer of synthetic fabrics (accepted December 1, 1978). The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-34170 Filed 12-6-78; 8:45 am]

[3510-17-M]

Office of the Secretary

NATIONAL STANDARDS POLICY ADVISORY COMMITTEE

Final Policy Recommendations and Implementation Plan

The Department of Commerce functions as the Federal Government focal point in the development, coordination, and strengthening of U.S. national and international standards policy in the public interest.

The National Standards Policy Advisory Committee (NSPAC), which was established in 1977 under the auspices of the American National Standards Institute, completed in early 1978 a draft document entitled "A Recommended National Standards Policy for the United States." In its own words, NSPAC's objective in preparing that document "was to prepare a recommended U.S. National Standards Policy that would, if implemented, go a long way towards creating a working environment within which the Nation's standards capability—both public and private—could be effectively, economically, and equitably used in behalf of the national interest."

In the exercise of its role in U.S. standards policy, the Department of Commerce published that draft document in the FEDERAL REGISTER on February 14, 1978 (pp 6299-6305). That notice directed that public comments on the draft NSPAC document be sent to the NSPAC Program Administrator, Mr. Richard O. Simpson. Mr. Simpson subsequently reconvened the NSPAC to consider the comments received, and to prepare NSPAC's final policy recommendations and implementation plan.

The Department has recently received a copy of NSPAC's final policy recommendations and implementation plan (dated December 1978), and believes that the public interest will be served by publication of this document in the FEDERAL REGISTER for the information of interested parties. Such publication in no way constitutes approval or disapproval of that document by the Department or any of its employees. Accordingly, that document, renamed "National Policy on Standards for the United States and a Recommended Implementation Plan," is reproduced below in its entirety. Any questions on the document or requests for copies thereof should be referred not to the Department of Commerce but to the NSPAC address cited at the end of the document.

Dated: December 4, 1978.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

The full text of NSPAC's "National Policy on Standards for the United States and a Recommended Implementation Plan" is as follows:

NATIONAL POLICY ON STANDARDS FOR THE UNITED STATES AND A RECOMMENDED IMPLEMENTATION PLAN

DECEMBER 1978.

Prepared by National Standards Policy Advisory Committee (NSPAC).

MEMBERS OF THE NATIONAL STANDARDS POLICY ADVISORY COMMITTEE

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NOTE.—The support and contributions of the designated alternates who participated in the development and production of this document are gratefully acknowledged.

FOREWORD

Standards are used by buyers and sellers to define their mutual obligations. They are also used by government to assert its regulatory authority on behalf of the health and safety of citizens. Standards are essential for the orderly and efficient conduct of domestic and international commerce and for the protection of the economic, social, environmental, and safety interests of sellers, buyers, and consumers—both individual and industrial.

Standards can favorably or unfavorably affect consumer costs, availability and performance of products, domestic and international trade, and the use of scarce materials. They are significant media for technology transfer among relevant groups, nationally and internationally. They also serve to introduce technology into the social value system of the society.

The United States possesses a sizable capability—public and private—for developing standards. What it has lacked, until now, is a national policy to ensure that these resources can be employed most effectively, economically, and equitably in the national interest.

This document is an attempt to fill that need. It contains two parts:

- A National Policy on Standards for the United States
- A Recommended Implementation Plan

Both the policy and implementation plan were developed by a group designated as the National Standards Policy Advisory Committee. NSPAC is an independent body established in early 1977 as a public service under the auspices of, but free from any policy direction from, the American National Standards Institute.

A national standards policy implies a definite course or method of action to be pursued. It should generate, foster, and maintain a basis or series of guidelines under which various organizations and people comprising the nation's standards capability can develop consistent working policies and procedures. NSPAC believes that the policy it developed meets these criteria.

NSPAC also recognizes that attainment of a unanimously agreed-upon national standards policy cannot be achieved quickly, if ever. The one proposed in this document is believed to represent as high a degree of agreement as can reasonably be expected when all the parties at interest are adequately represented. Agreement was very often not unanimous. Footnotes are included for dissenting views that were so strongly held that the dissenting parties felt constrained to have their views recorded.

The Recommended Implementation Plan is believed to be conceptually sound and pragmatic. In developing it, the relevant principles in the National Standards Policy were followed.

Special consideration was given to whether the policy should treat testing and certification and international standardization.

NSPAC recognized the relationship between standardization and the testing and certification process. It deliberately decided to exclude testing and certification from the policy on the basis that they are important enough to warrant consideration of a separate policy development activity. The methodology followed in developing the National Policy on Standards could serve as a useful model in formulating a testing and certification policy, in the event that such an activity is undertaken in the future.

International standardization in the National Policy on Standards was purposely limited by NSPAC to discussions deemed essential to the basic policy underlying national standards activities. Committee members did not consider themselves properly representative of the desired balance in expertise and interests to undertake a full policy treatment of this very important aspect of standardization. Initiation of a separate program to develop a more complete statement of policy on international standardization that expands on, and is consistent with, the National Policy on Standards is considered very desirable by the Committee. Again, the Committee believes that the NSPAC format offers a useful model for such activity.

Under this country's national standards system, any one of the many groups that have either direct or indirect interest in standards matters could properly have started a policy development project. It could have been initiated by federal, state, or local governments, organized labor, public interest groups, trade associations, industry or professional societies, standards writing bodies, testing laboratories, or consumers. It was logical, however, for the American National Standards Institute (ANSI), the generally recognized functioning coordinator of the U.S. voluntary standards system, to take the initiative. It did so with the caveats that it would in no way influence the work and that all interested parties would be ensured the opportunity to participate in the process.

The National Standards Policy Advisory Committee was formed to undertake the project. This independent group is comprised of some thirty representatives of government, organized labor, public interest groups, trade associations, industry, professional societies, standards writing bodies, testing laboratories, and consumers. Its assigned task was to prepare a recommended U.S. National Policy on Standards that would, if implemented, go a long way toward creating a working environment within which the nation's public and private standards capability could be effectively, economically and equitably used on behalf of the national interest.

Extraordinary steps were taken to ensure the independence, objectivity, and credibility of the Committee. Funds for the effort, for example, were raised in small amounts from over fifty organizations, maintained for the Committee's purposes only, and disbursed from a special account under the control of NSPAC.

In February 1978, NSPAC released a Recommended National Standards Policy for public review and comment. The comments received were considered in preparing the National Policy on Standards and Recommended Implementation Plan published in this document.

In discharging its responsibility, NSPAC has made arrangements to transmit a copy of this final report to:

- ANSI, along with a complete record of NSPAC activities
- Appropriate officials of the federal government
- Each of the organizations identified as significantly involved in national standards activities
- The press, for information of the general public.

NSPAC recognizes that a policy document does little good unless it receives broad exposure and the high degree of general acceptance essential to effective implementation. Therefore, careful attention should be given to the National Policy on Standards and the closely related Recommended Implementation Plan which accompanies it.

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NATIONAL POLICY ON STANDARDS FOR THE UNITED STATES

I. INTRODUCTION

As standards are documents developed with appropriate expertise to define and/or establish acceptable solutions to recurring problems, they provide a means for effective communication in areas of science, education, technology, industry, trade, and commerce.

Standards are used to enhance engineering and manufacturing efficiencies through establishment of performance criteria, characteristics of products, procedures, methods, materials, and systems, and through interchangeability.

Where regulation is deemed necessary to safeguard the health and/or safety of product users and/or consumers, standards, which generally relate to minimum requirements, may serve as a base to further communicate understanding through descriptive terminology and procedures.

II. DEFINITIONS

1. Standard. A prescribed set of rules, conditions, or requirements concerning definitions of terms; classification of components; specification of materials, performance, or operations; delineation of procedures; or measurement of quantity and quality in describing materials, products, systems, services, or practices. (For convenience in the text of this policy, we refer to standards for "products, systems, and services" as being inclusive of the above.) The word "standard" does not include federal, state, or local laws or statutes enacted to adopt or reference a standard.

2. National. The word "national" is used in this policy in a broad sense that is inclusive of both the private and government sectors. Further, the word "national" is used to indicate that the total standards preparation resources of the U.S. constitute a national capability, a capability that is not exclusively government or private.

3. National Standard. A standard which has, or could reasonably be expected to have, a significant effect upon a substantial number of U.S. citizens. This term does not include what are commonly termed "company" standards, nor does it include those industry standards which have little or no significance outside of that industry. It includes standards whose acceptance is recognized on a national basis.

III. OBJECTIVE(S)

1. To provide policies with respect to both government and private initiation, development, use, and maintenance of national standards for products, systems, and services.

2. To provide a framework for the efficient organization and management of both government and private resources to ensure that the United States' national standards needs are competently and economically met, on a timely basis, under generally recognized principles of due process.

IV. SCOPE

1. Products, Systems, and Services. Unless otherwise excluded, this policy is applicable to all national standards for products, systems, and services found in commerce, including those acquired, fabricated, or regulated by agencies of federal, state, or local governments.

2. Organizations and Agencies. This policy is directed toward all organizations and agencies, government or private, that initiate, develop, or approve national standards, as well as to all government agencies that use national standards.

3. International Standards. Where relevant, this policy is directed toward standards participation on behalf of the United States in international as well as national standards activities.

V. GENERAL PRINCIPLES

1. Cooperation, an Essential Element. The national interest is best served when both the government and private sectors, and/or components of both sectors, initiate, develop, and participate in programs which stimulate and encourage cooperation of both sectors in national standards activities.

2. National Standards Writing Activities.[1]

a. *Openness:* Participation in national standards writing activities shall be open to all persons who might reasonably be expected to be, or who indicate that they are, directly and materially affected by the activity in question. There shall be no undue financial barriers to participation. Participation shall not be conditioned upon membership in any organization including the group or organization sponsoring the activity. Organizations shall give reasonable notice of standards development activities and actions.[2]

b. National Standards Decisions: Decisions in national standards writing activities shall reflect a substantial agreement by all of the parties at interest, or their representatives, who are directly and materially affected by the standard. A substantial agreement means much more than a simple ma-

[1] The most commonly used method for standards development is use of a standards developing committee, but other methods which achieve a substantial degree of acceptance of the standards should also be recognized. If the standards writing activities do not have such rules and procedures as called for in this section, the product of such activities can become a recognized national standard under this policy provided that the approval of the standard is given by an organization engaged in standards approval activities and whose approval procedures are consistent with this section.

[2] One member (George Papritz) expressed the view that the first and last sentences respectively of this provision should read as follows: "Participation in national standards activities should be open to all interested persons and groups." "Organizations shall give interested persons and groups reasonable notice of standards development activities and actions."

jority but not necessarily unanimity. It also includes the requirement to consider and attempt to resolve all substantive negative comments.

c. Balance—Rules and Procedures: The rules and procedures to be followed in national standards writing activities shall be such that all appropriate societal interests (e.g., government, consumer, labor, producers, users, general interests, etc.) that might be directly and materially affected by the standard in question have the opportunity for fair and equitable participation. There shall be no opportunity for domination by any single interest.

d. Consumer/User Participation: Special attention shall be given to ensuring that consumer/user participants are included when consideration is given to the make up of national standards committees. Consumer/user participation should come from individuals and representatives of organized groups. For purposes of this policy, the following is applicable:

i. User—Individual Consumer: Where the national standards activity in question deals with a consumer product, e.g., lawn mowers, aerosol sprays, etc., an appropriate consumer participant's view is synonymous with the individual's view. In other words, consumer means an individual user—a person who uses goods and services rather than produces or sells them.

ii. User—Industrial: Where the national standards activity in question does not deal with a consumer product, but rather deals with an industrial product, e.g., hardness of steel, insulation used in transformers, etc., an appropriate user participant is the industrial user of the product in question.

iii. User—Government: Where the national standards activity in question is likely to result in a standard that may become the basis for a government action, e.g., procurement or regulation, the relevant government agency(s) participant may become one of the user participants.

iv. User—Labor: Where the national standards activity in question deals with subjects of special interest to the American worker, e.g., products used in the workplace, workplace environment, etc., an appropriate user participant(s) is a representative of labor.

e. Consumer/User Views: [3] Appropriate representative consumer/user views shall be actively sought and fully considered in national standards activities. Wherever possible, consumer/user participants with the requisite technical knowledge shall be included as active, but not necessarily the sole, consumer/user participants.

f. Records: Reasonable records of national standards development activities shall be prepared, maintained, and be accessible to interested parties under reasonable conditions of time, location, and convenience to all concerned. Such records shall include, but not necessarily be limited to, the status and history of the project, reports of meetings, including discussion, disposition of dissenting views, rationale and principal supporting data for key variables and wordings, etc.

The records maintained should allow an overall review of what transpired rather than be a verbatim transcript, and need be retained for only a reasonable period of time.

3. Private Sector Commitment: The private sector shal take all necessary and reasonable steps to ensure that, to the maximum extent possible, the nation's standards needs are identified and met through the voluntary standards system.

Consistent with this commitment, those private sector organizations engaged in national standards writing activities and other beneficiaries of standards writing activities shall support and participate with the private sector standards coordinating center identified in Section VIII(2) of this policy. Such support shall include equitable fiscal support.

4. Government Encouragement: It is appropriate and essential that governments take all necessary and reasonable steps to encourage responsible private sector activities to meet national standards needs.

5. Government Participation: Government(s) should actively participate in private sector national standards activities that are consistent with this policy to lend their expertise and make their needs known to help ensure that, where necessary, and when possible, the standards developed will be in a form suitable for government use or are otherwise in the public interest.

6. Consumer/Small Business Funding: It is in the best interests of both the government and the private sectors to ensure that a reasonable source of funds is available to consumers and small businesses to support and encourage their participation in national standards activities that are consistent with this policy and to offset their costs where necessary.

7. Minimizing Duplication: In the interest of efficiency and cost-effectiveness, governments should not undertake development of new standards where suitable national standards already exist or are nearing completion unless an evaluation by government indicates that the existing standard is inadequate. Where such an evaluation indicates that changes in either the format or substance would make an existing national standard suitable for government use, the government should cooperate with the original sponsor of the standard in bringing about desirable changes.

In the same vein, private sector standards writing organizations shall take all reasonable steps to ensure that there is a minimum of duplication of effort among these organizations engaged in national standards writing activities. A principal step is full cooperation and participation with the private sector standards coordinating center identified in Section VIII(2) of this policy.

8. Effects of Innovation and Competition: Care in the development and use of standards shall be taken to ensure that they will not restrict users' choice among items that will produce satisfactory results, act as barriers to innovative designs or compositions, or otherwise tend to unreasonably restrain competition and trade. In the development and use of standards, preference shall be given to those that emphasize performance and function while limiting detailed design requirements to such things as fit and interchangeability (e.g., films and cameras) and where composition or other measurable attributes cannot be expressed in terms of performance without excessive costs or undue delays for technological development.

9. Standards Maintenance: Any organization or agency, government or private, that initiates, develops, adopts, or uses national standards shall incorporate appropriate procedures to ensure that each such standard is reviewed at periodic intervals no longer than five years and is either reaffirmed, amended, or revoked as a result of such review. Having once published a standard, organizations or agencies shall adopt procedures such that the relevant board, committee, or council considers proposals to amend procedures or standards without unreasonable delay. Standards shall be kept current and adequately upgraded to encourage technological innovation.

10. Forecasting and Measurement: Organizations and agencies concerned with national standards writing activities shall encourage and support research in standards theory and methodology, especially that pertaining to forecasting and measuring various effects of standards (e.g., economic impact on commerce and consumers; quantitative changes in health, safety, and environmental factors; risk-benefit evaluation techniques; methods of

[3] One member (George Papritz) expressed the view that "actively sought" should be changed to "obtained" in line two. This member also believed that a new sentence, as follows, should be added at the end of the provision: "If consumers with appropriate technical knowledge are unavailable, a source of relevant unbiased technical assistance shall be made available for advice and consultation to consumer members of standards writing committees."

ensuring equity in committee composition, etc.)

11. Federal/State/Local Government Cooperations: Governments, in their standards activities, should establish cooperative mechanisms to ensure that the public health, safety, and general welfare are adequately protected while at the same time minimizing undue burdens on interstate commerce. To this end, governments should take all necessary and reasonable steps to promote as much uniformity as practical in the establishment of mandatory requirements and to ensure that they are kept current.

VI. HEALTH, SAFETY, AND ENVIRONMENT

Recognizing that governments and the private sector each have an important contribution to make, it is in the national interest to have a constructive, cooperative relationship between them in the areas of public concern, e.g., health, safety, environment, energy, etc.

1. Government Sector Role: Government departments and agencies should take all necessary and reasonable steps to:

a. Identify and publish their priority standards needs.

b. Encourage, cooperate with, and actively participate in relevant national standards activities that are consistent with this policy.

c. List all national standards that are relevant to the agencies' needs.

d. Ensure that the following steps are taken prior to, and as a prerequisite of, any determination that a mandatory standard may be required:

i. Technically evaluate all relevant listed standards.

ii. Assess the marketplace for voluntary confirmity with such standards.

iii. Evaluate the suitability of such standards for use as the basis for a mandatory standard (where necessary, encourage the originating standards writing organization to revise the standard, with government cooperation, to suitable form).

iv. Specifically consider, and make formal findings with respect to the technical, marketplace, and suitability reviews before deciding whether a mandatory standard will be required.

2. Private Sector Role. The private sector shall take all necessary and reasonable steps to:

a. Identify and use all available data in determining its view of priority standards needs, as well as cooperate with governments to aid government in setting priority standards needs.

b. Initiate and actively pursue national standards activities in a manner consistent with this policy in areas of its high priority.

c. Cooperate with and support national standards activities that are consistent with this policy and that are designed to meet government-identified priority standards needs.

VII. GOVERNMENT PROCUREMENT

1. Avoid Duplicaton. National standards to meet government procurement needs should be developed by governments only in those instancces where private sector standards development efforts are not responsive in a reasonable, efficient, and timely manner to the demonstrated government needs.

2. Standards Preference. National standards prepared in accordance with this policy should be given preference over other standards for use by government(s) to meet their procurement needs.

VIII. ORGANIZATION/APPEALS

1. Centralized Government Focus. There should be established, or identified, within the executive branch of the federal government, an entity to serve as the government standards coordinating center. It should have the principal responsibility for the coordination of government activities covered by this policy. Such a center should have a primary responsibility to:

a. Establish criteria to determine eligibility of private sector standards activities for government support in accordance with this policy.

b. Assist, upon request, the federal agencies in their evaluations of national standards to determine their suitability for use by the government.

c. Cooperate with other government agencies in establishing criteria and information by which government employees with the appropriate expertise can be readily identified so as to encourage their voluntary participation in appropriate private sector standards writing groups.

d. Serve as a catalyst to stimulate and aid federal agencies in identifying and publicizing standards priority needs.

e. Provide the guidelines for the disbursement of government funds available for financial aid to private sector standards activities to offset consumer and small business participation costs, when and as required, and for other purposes.

f. Work closely and cooperatively with the private sector standards coordinating center to ensure that the nation's standards needs are clearly identified and met in a timely fashion.

g. Establish and operate a suitable appeals mechanism as called for in VIII(3) of this policy.

2. Centralized Private Sector Focus.[4] There shall be established, or identified, a private sector organization to serve as the private sector standards coordinating center. This organization shall have the primary responsibility for the coordination of private sector activities covered by this policy. In carrying out these responsibilities, it shall, as a minimum:

a. Coordinate private sector standards activity and encourage conformity with this policy by private sector standards organizations writing standards for products, systems, and services identified as being national (or international) in scope.

b. Provide for meaningful participation in all of its major boards and councils by the major affected interests, including government and consumers.

c. Provide a mechanism, or mechanisms, for confirming whether or not a national standard has been prepared in accordance with this policy.

d. Having identified the need for a particular standards project, encourage qualified organizations to accept the project and move toward development of a national standard in a manner consistent with this policy as expeditiously and as effectively as possible, with due regard for the need to minimize unnecessary duplication of effort.

e. Not compete with standards writing organizations in standards development.[5]

f. Develop a broad and adequate financial base that is of such a nature that the center is reasonably independent of financial pressures of any single societal group or interest.

g. Work closely and cooperatively with the government standards coordinating center to ensure that the nation's standards needs are clearly identified and met in a timely fashion.

h. Serve as the recognized and designated representative of the United States in international, nontreaty, standards setting bodies.

3. Appeals Mechanisms

a. Both the government and the private sector standards writing activities should include realistic and identifiable appeals procedures for those interests or individuals who believe they have been, or will be, disadvantaged by the standard in question or the lack thereof, or who have a substantive disagreement with the technical content of the standard or the procedures by which it was developed.

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[4] One member (David Swankin) expressed the view that this policy statement should not recommend a centralized private sector focus because the thrust of the policy is directed toward improving the method by which private voluntary standards are produced, something that can and should be accomplished with or without an umbrella organization.

[5] One member (George Papritz) expressed the view that the following should be added to this provision: "However, the center shall develop and, if necessary, revise standards whenever it appears that this will not be accomplished expeditiously and effectively by extant private standards-making machinery."

b. The government standards coordinating center established by VIII(1) of this policy shall establish and operate a dispute resolution mechanism where interested parties can pursue disputes arising from private sector standards activities. As a prerequisite to entering the federal appeals process, the complaining party shall first exhaust his initial appeal rights within the private sector, providing such appeals processes exist and they meet generally recognized criteria of fairness and due process. If the federal process finds that the complaint has merit, the complaint, along with a complete record of the federal appeal, should be returned to the relevant standards writing organization for a timely resolution.[6]

A Recommended Implementation Plan for the National Policy on Standards for the United States

1. Introduction

The National Policy on Standards (NPS) reflects the view of the National Standards Policy Advisory Committee (NSPAC) that the nation's standards needs will be best satisfied within a working environment that is characterized by effective cooperation between the government sector and private sector standards activities. The Committee believes that the NPS provides both the foundation and guidelines for such needed cooperation.

Appendix 3 of the draft "Recommended National Standards Policy for the United States," published in February 1978 for public comment, called attention to the intent of the NSPAC to include a Recommended Implementation Plan as a part of the final report prepared by the NSPAC. The responses indicated that such a plan is not only desirable, but is essential to the success of the project.

There are basically two ways of implementing the NPS—either invite mandating by the federal government or seek voluntary acceptance by all affected organizations, including the federal government.

The NSPAC recognizes that only the U.S. Congress, through legislation, could mandate the NPS as United States policy. The Committee believes, however, that legislation is not required, nor necessarily desirable, for the NPS to become the de facto standards policy for the nation.

With respect to the private sector, the NSPAC hopes that each affected private sector organization will see fit to voluntarily agree to conduct its activities in accordance with the applicable NPS provisions and will communicate this decision to the private sector standards coordinating center (PSSCC).

With respect to the federal government sector, the NSPAC believes that the essential government actions required to implement the NPS provisions will be accomplished with the issuance of the pending OMB Circumlar on Federal Participation in the Development and Use of Voluntary Standards. The pending Circular will be a Presidential Order directed toward meeting the federal government's procurement and regulatory standards needs by encouraging a cooperative relationship with the private sector standards bodies. The basic thrust of that important document is believed to be compatible with the NPS document. Any additional federal activity with respect to various NPS provisions is within the policy discretion of the individual federal executive branch agencies.

This Recommended Implementation Plan is believed to be conceptually sound as well as pragmatic. During the development of the plan, the relevant decision principles contained in the NPS document were followed. This included the decision process described in Section V(2)(b) of the NPS, which calls for "much more than a simple majority," as well as a "requirement to consider and attempt to resolve all substantive negative comments." This plan does represent the views of much more than a simple majority of NSPAC members, even though unanimous agreement on all sections could not be attained.

2. Government Sector—As NSPAC Believes It Should Be

a. General. The federal government has many reasons to be interested in national standards activities. National standards serve to aid individual agencies in supporting or implementing programs established by law or regulation, e.g., procurement, safety and environmental programs, consumer protection, energy policy, etc.

In a broader sense, the federal government should have a legitimate interest in the effect of national standardization activities on increasing the efficacy of government operations, on the health of the general economy, international trade performance, and national defense.

b. Agencies That Write/Use Standards. The NSPAC believes that each of the individual federal government agencies that develop and/or use national standards should:

- Identify its standards needs and assign a reasonable sense of priority to those needs.
- Actively cooperate with those standards organizations in the private sector that can, and are willing to, aid the agencies in satisfying its standards needs in an effective and timely manner.
- Encourage those private sector bodies with which it cooperates to follow the policies and procedures that are set forth in the NPS.
- Give consideration to and/or use national standards developed in the private sector when they will meet the agency's needs.
- Take care that ther standards it develops and/or uses do not have unnecessary adverse effects on costs, innovation, competition, interstate commerce, and international trade.
- Establish suitable policies to guide involvement of its employees in private sector standards activities.
- Establish policies by which all affected societal interests have a reasonable opportunity to participate in agency standards activities.

c. Overall Coordination of Government Standards Activities. The NSPAC believes that effective central coordination of federal government standards activities is essential to elimination of many standardization problems which have received widespread attention in recent years. This central coordinating body should:

- Serve as an initial inquiry and referral point for outside parties seeking information on specific federal standards matters.
- Assist, on request, the individual federal agencies on standards matters.
- Cooperate with individual federal agencies in identifying federal employees with appropriate expertise to participate in private sector standards activities.
- Cooperate with private sector organizations, particularly the private sector coordinating center, to ensure that the nation's standards needs are effectively and promptly met.
- Provide a "last resort" appeals mechanism where private sector standards disputes can be aired and resolutions proposed.

3. Government Sector—As NSPAC Believes It Exists Today

a. General. Until recently, there has been a general lack of understanding at the policy levels of the federal government as to the extent of national standards activity in the United States, as well as its relevance and impact on major national issues. More often than not, attention is focused on an individual standard rather than the activity as a whole, particulary when it is involved in regulatory controversy or is the subject of a media report.

Recent activities, such as the national focus on regulatory reforms, the multilateral trade negotiations, and

[6] The nonvoting member (Dr. Ernest Ambler) expressed the view that any federal appeals process should deal only with questions of adherence to established procedures for the development of national standards and should not be broadened to include disputes over substantive technical decisions reached in national standards development activities.

the federal attention given to safety, health, procurement, and energy policies have served to elevate the policy attention given to the role of standards in such matters.

NSPAC members are well aware of two important developments affecting national standards policy considerations, which are expected to be completed in the near future. Both are believed to be complementary to and mutually reinforcing of the National Policy on Standards.

GATT Standards Code (General Agreement on Tariffs and Trade)

As a part of the Multilateral Trade Negotiations, the U.S. government has been an active participant in the negotiation of a proposed GATT Standards Code. Although the negotiations in Geneva are not yet completed, drafts of the code suggest that, if the U.S. is to meet the obligations of the code, and, more importantly, take advantage of the opportunities provided under the code, a close cooperative relationship needs to be established between the federal government and the private sector in national as well as international standards activities. The NPS provides the framework needed for such a cooperative effort.

OMB Circular on Federal Participation in the Development and Use of Voluntary Standards

The pending OMB Circular on Federal Participation in the Development and Use of Voluntary Standards is directed toward meeting the federal government's standards needs through a cooperative relationship with the private sector standards bodies. It also provides policy guidance to all federal employees regarding their participation in various private activities. The basic thrust of this important document is believed to be compatible with the NPS contained herein.

b. Individual Federal Government Agencies. Attitudes, policies, and procedures of the variour federal agencies vary widely with respect to standards initiation, development, and use. Many of the agencies are constrained in their activities by legislation. Others have not adequately focused on standards matters at the policy level. The NSPAC believes that the following statements are indicative of various agency standards activities at the present time.

- Not all agencies attempt, or have the data bases to allow for, an orderly identification of their priority standards needs.
- Some agencies encourage private sector cooperation in meeting the agency's standards needs, while others encourage the opposite response from the private sector.
- Except very recently, there has been little or no systematic government-wide effort to use federal government regulatory and procurement leverage to improve the effectiveness and responsiveness of the nation's standards system.
- Agency policies with respect to use of private sector standards cover a wide spectrum—from use with little in-house review to virtual refusal to even consider the documents.
- Agencies having regulatory authority generally have policies or statutes governing the involvement of all interested parties in standards matters, but the procurement agencies' policies vary more widely in this respect.
- Inadequate attention has been given by several agencies to the effect of their standards on costs, competition, innovation, interstate commerce, and international trade.
- Personnel policies governing federal personnel participation in private sector standards activities vary widely—including outright prohibition, highly detailed policies, and total silence.

c. Overall Coordination of Federal Government Standards Activities. A major complaint over the past few years has been the lack of a central focal point in the federal government for coordination of standards matters. The NSPAC believes this complaint has merit and has therefore included in the NPS a section calling for a federal government focus.

4. RECOMMENDATIONS TO GOVERNMENTS

a. General. The NPS addresses the whole specturm of government involvement in national standards activities. For instance, it recognizes that in the regulatory areas of health, safety, environment, etc., the final decision on whether to propose a mandatory standard is properly a decision of the appropriate elected or appointed officials. Consequently, the NPS provisions in this area are designed to initiate and stimulate cooperative efforts between government and the private sector which, if successful, will reduce the need to impose mandatory requirements, while at the same time not infringe on statutory mandates.

The NSPAC believes that the pending OMB Circular on Federal Participation in the Development and Use of Voluntary Standards, in essence, implements major elements of the NPS, and urges its official promulgation at the earliest possible date.

b. individual Federal Government Agencies. 1. The NSPAC believes the OMB Circular on Federal Participation in the Development and Use of Voluntary Standards provides adequate guidance to the various agencies to ensure that their employees participate only in activities in accord with the National Standards Writing Activities section of the NPS (i.e., those based on generally accepted principles of procedural fairness).

2. The NSPAC urges each government agency to examine its policies and activities in light of each of the General Principles contained in the NPS and to align its policies and activities accordingly, consistent with existing governing statutes.

3. The NSPAC particularly calls to the attention of the relevant regulatory agencies the NPS section on Health, Safety, and Environment and urges the relevant agencies to align their policies and activities in accordance with this section. The NSPAC is unaware of any legislative provisions that would prohibit the adoption of such policies, but rather believes it to be in the policy option realm of the agency concerned.

4. The NSPAC recognizes that the Government Procurement section, particularly the Standards Preference secion, goes beyond the pending OMB Circular on Federal Participation in the Development and Use of Voluntary Standards but nevertheless believes it is consistent with the Circular. The Committee urges the procuring agencies to adopt, as a policy option, this section and thereby use federal procurement leverage to ensure procedural fairness in national standards development.

c. Federal Government Standards Coordination. The NSPAC acknowledges that the U.S. Department of Commerce is an appropriate organization to assume the role of the government sector standards coordinating center (GSSCC). Need for such a government-wide standards coordinating activity has been identified in the proposed GATT Standards Code, the pending OMB Circular on Federal Participation in the Development and Use of Voluntary Standards, and the recent report on the "Implementation of the GATT Standards Code in Federal Agencies" prepared by the Interagency Committee on Standards Policy, dated April 1978.

The OMB Circular also designates the U.S. Department of Commerce to fulfill the role of federal standards coordinator—an action consistent with the NPS.

5. PRIVATE SECTOR—AS NSPAC BELIEVES IT SHOULD BE

a. General. The private voluntary standards system in the United States should have the primary responsibility for developing the standards needed by the nation. This responsibility includes not only development of the broad range of national standards essential to the efficient and orderly functioning of the U.S. economy but

also, in cooperation with governments, development, in a timely manner, of effective standards that may be necessary to aid government agencies in the fulfillment of their statutory missions.

Standards activity should be conducted in such a manner as to ensure that all societal interests are treated fairly and equitably.

The private sector should bear the primary responsibility for U.S. participation in international nontreaty standardization activities.

b. Standards Writing Organizations. The NSPAC believes that each of the organizations developing national standards should:

- Adopt and adhere to standards development procedures that ensure procedural fairness.
- Help identify national standards needs and, through coordination of standards developing activities, minimize duplication of effort in meeting those needs.
- Participate with and support activities designed to meet government priority standards needs.
- Participate with and equitably support the private sector central coordinating organization.
- Ensure that reasonable safeguards are provided to guard against any potentially harmful effects of standards on consumer/user costs, innovation, competition, interstate commerce, and international trade.
- Ensure that realistic appeals procedures are made available to all parties who feel they hae been, or will be, disadvantaged by the standards acitivity in question.

c. Central Standards Coordination. The NSPAC considers a private sector standards coordinating center essential to:

- Serve as a necessary organizational mechanism through which organizations and individuals concerned with national standardization activities may cooperate in making the voluntary standards system in the U.S. more effective.
- Help ensure that all societal interests are fairly and adequately represented in national standardization activity.
- Be a responsible and effective force with respect to maximizing responsible federal government interaction with the voluntary standards system.
- Serve as a source of qualified spokesmen for the voluntary standards system.
- Provide an appeals procedure for all interested parties to pursue alleged abuses within the private coordinated system.
- Ensure that the interests of the U.S. are farily, competently, and adequately represented in international nontreaty standardization organizations.
- Provide an independent mechanism for identifying standards that have been developed in accordance with the National Policy on Standards.

d. Other Affected Interests. The NSPAC believes that, in addition to those parties with a clear economic interest in the outcome of standards, other parties that have societal interest, or a less direct economic interest, should also be represented in national standards activities. Particularly, the Committee has in mind consumers, labor, small business, and governments. The Committee has identified, under the General Principles section of the NPS, provisions which highlight these views.

In the Committee's view, the groups identified above have been inadequately participating in the past; this lack may have been the result of inadequate communication, insufficient encouragement of such participation, inadequate fiscal resources, and procedural barriers in some instances.

6. PRIVATE SECTOR—AS NSPAC BELIEVES IT EXISTS TODAY

a. General. The United States voluntary standards system is a loosely coordinated group comprising a large number of separate organizations that write one or more national standards. Numbered among them are trade associations, professional societies, standards organizations, etc. as a result:

- The nation's voluntary standards are written by an estimated 300,000 individuals from all walks of life, who volunteer their part-time services.
- This massive voluntary effort is channeled into thousands of committees under the organizational umbrella of approximately 400 separate organizations.
- The procedures used by these organizations to govern their standards writing activities vary considerably, with many now complying with most of the provisions of the NPS.
- There may be as many as 20,000 U.S. voluntary standards that could qualify as "national standards" using the definition contained in the NPS. Of this estimated total, however, only 9,300 are currently identified as American National Standards (ANS) by the present central coordinating organization.
- The principal cost of standardization is not to be found in the budgets of the various standards organizations but is rather the collective burden of salary, transportation, and expenses associated with the individual volunteers who populate the various standards committees. (One major standards writing organization estimates that participants in their committees annually spend ten times the total organization budget.) To protect the heavy investment, it is equally important that there be adequate funding of central standards coordination activities.
- Of the tens of thousands of commercial and industrial companies benefiting from the voluntary standards system, less than one thousand are helping carry the financial burden of the present central coordinating body through corporate memberships.
- The various private sector standards activities, including coordination, directly and indirectly, aid the various agencies of the U.S. government in the fulfillment of their responsibilities and missions. Yet, there is virtually no direct financial contribution by the Federal Government to help offset the administrative costs incurred by the standards developing and coordinating bodies.
- Organizations and corporations benefiting either directly or indirectly from the private sector role in international standardization are numerous, but very few make equitable financial contributions to offset U.S. member body costs of international standardization (now approaching close to $2,000,000 per year).

b. Standards Writing Organizations. In addition to the comments relative to standards writing organizations contained in paragraph 6(a) above, the following observations, with respect to national standards writing organizations and their relationship to the present central coordinating organization, are considered significant.

- A number of organizations exist that develop "national standards" but maintain no relationship with and give no financial support to the present central coordinating organization.
- A number of organizations that develop many "national standards" are organizational members of the central coordinating body and occupy principal positions on its key boards and councils. These organizations, however, contribute a relatively small amount to the finances of the central coordinating body and submit few, if any, of their standards for approval and listing as American National Standards.
- In a voluntary system, the ability of a body to "coordinate" is only as good as the willingness of the standards developing organizations to be "coordinated." Today, many standards developing organizations are not fully participating in programs of the present central coordinating organization.
- Standards writing organizations, in order to play a full part in a coordinated system, should agree to certain coordination procedures, participate in coordination discussions, submit their standards for approval and central

listing, and provide equitable fiscal support. An obvious precondition to active participation and involvement is that standards writing organizations be satisfied with the resulting role and manner of their involvement, as well as the organizational structure and management of the central coordinating body. That this precondition has not been satisfied is evidenced by the continuing unwillingness of many such bodies to comply with existing coordination procedures, participate in coordination discussions, submit their standards for approval and central listing, or provide equitable fiscal support.

● A high proportion of the approximately 9,300 standards designated as ANS standards are published by a relatively few standards writing organizations. Only a small proportion of the central coordinating body's income is derived from the sale of standards from these sources. It is important to the success of a voluntary national standards program that most, if not all, of the standards writing organizations recognize the coordinator role by submitting their standards for approval as ANS standards, as well as by providing equitable financial support. Such submittals are essential to the continuing viability of the central coordinating body.

● Most of the private organizations producing national standards have a proprietary interest, not only in the operation of the standards committees, but also in the publication and sale of the standards documents. This financial interest influences their support of the present national system in which they recognize competition in the production and dissemination of standards. Unless this economic situation is dealt with realistically, the PSSCC will likely not get the support it needs from the private standards writing organizations, which would consider its existence a threat.

c. Central Standards Coordination. The present private sector central coordinating body is the American National Standards Institute (ANSI). The following points are considered significant and should be read along with the points contained in paragraphs 6(a) and 6(b) above:

● ANSI as presently constituted does not possess clear coordination authority over the entire voluntary standards system; nevertheless, it has had a good measure of success in addressing various major probjems of standards coordination.

● ANSI now ofers to approve and list as American National Standards (ANS) those standards that were developed in accordance with ANSI procedures to ensure that a national consensus exists. The prestige of ANSI has enabled it to be a formidable enforcer of procedural fairness, but only as regards those organizations that seek ANS status for their standards.

● The key management boards and councils of ANSI are comprised of volunteers. There appears to be little direct correlation between the interest represented by the individuals who serve on these management groups and the organizational sources of the 9,300 existing ANS standards.

● Likewise, there is also little apparent correlation with the sources of the estimated 20,000 existing "national standards" and the principal sources of financial support for the Institute. The gross mismatches among those organizations that benefit from ANSI's activities, those that participate in ANSI's management boards and councils, and those that provide the source of financing are obvious. They are a source of needless confusion as well as inequity, and impair ANSI's ability to function as a strong central coordinating body.

● ANSI is often viewed as competing with standards writing organizations in standards development.

● The role of ANSI vis-a-vis the American National Standards Committees is a continuing source of misunderstanding, friction, and confusion, both within and without the standards community.

● The present financial income basis does not ensure the Institute's fiscal independence and viability and leaves it vulnerable to charges of special interest domination.

● ANSI is the recognized representative of the U.S. interests in international nontreaty standardization bodies.

d. Other Affected Interests. The participation and involvement in national standards activities of labor, consumers, small business, and some government agencies is inadequate.

7. RECOMMENDATIONS TO THE PRIVATE SECTOR

The private sector organizations that comprise the nation's voluntary standards system should work cooperatively and constructively together with governments and other affected interests to ensure that the nation's standards needs are met, to the fullest extent possible, by private action and in a manner consistent with the NPS.

The Committee recognizes that the consideration by the standards developing organizations of the NPS is closely linked with their present and future relationship with the organization that will serve as the private sector standards coordinating center (PSSCC), as detailed in Section VIII(2) of the NPS.

The viability of any organization in the PSSCC role depends, in the final analysis, on two things: (1) The acceptance by a preponderance of the nation's standards developing organizations and other interested groups of the requisite central coordination authority; and (2) their commitment to provide equitable fiscal and participatory support on an ongoing basis.

NSPAC believes that the functions of the PSSCC have tangible value to both developers and users of voluntary standards; hence it justifies fiscal support in a form that is in a reasonable relationship to the value received. The support for the PSSCC should not have to be sought on the basis of contributing to a "generally worthy cause," nor should the coordinating center be required to accommodate "free riders" if doing so impairs its autonomy or functional effectiveness.

Foregoing all standards writing activity may compound the financial problems of the central standards coordinating organization. Therefore, it is necessary and imperative that the private sector, and particularly the private standards writing organizations, assume a more important part of the financial burden of the central coordinating organization by means and under conditions yet to be agreed upon within the private sector.

One possibility is for a proportionate service fee, earmarked to go to the coordinator, to be added to the selling price of national standards, regardless of the channel through which they are sold. Thus the costs of central standards coordinating activities will be spread across the broad base of standards users.

NSPAC recognizes that ANSI currently occupies the organizational position of the PSSSC. The Committee urges ANSI to assess its current operations against the parameters contained in both the NPS and this Recommended Implementation Plan, and make such changes as may be required in its constitution, policies, procedures, bylaws, and organization to align its operations with the NPS and this Implementation Plan.

Not only ANSI, but all other participating organizations, government and private alike, should, when considering the NPS, take cognizance of the interlocking nature of several provisions in that document. Particular attention is invited to the implications of change from the present institutional and financial structure of the following NPS provisions:

1. Section VIII(1)(f)—The GSSCC should work closely and cooperatively with the PSSCC.

2. Section VIII(2)(d)—The PSSCC should encourage other organizations to write the needed national standards.

3. Section VIII(2)(e)—The PSSCC should not compete with standards

writing organizations in standards development.

4. Section VIII(2)(f)—The PSSCC should develop an adequate financial base that to the highest practical degree ensures its financial independence from threats or pressures from any single interest group.

5. Section V(3)—Standards writing organizations should commit themselves to fully participate in the coordinated system, both fiscally and through standards coordination activities.

6. Section V(7)—Standards writing organizations should work within the framework of the PSSCC to minimize duplication of effort.

Members of the Committee urge the various agencies and organizations involved in national standards activities to expeditiously consider the NPS and this Implementation Plan because of their belief that the NPS will provide an effective vehicle for:

1. Ensuring that the PSSCC is fully competent, independent, and viable.

2. Stimulating a trend toward national standards development that generally is conducted in accordance with the provisions of the NPS.

3. Facilitating recognition of national standards as American National Standards.

4. Providing a workable and cooperative relationship between the government(s) and the private sector, both domestically and internationally.

8. RECOMMENDATIONS TO THE JOINT GOVERNMENT/PRIVATE SECTOR

The principal burden of follow-up actions necessary to effectively implement the NPS most properly fall within the purview of the private and government coordinating centers. However, a number of steps toward that end are clearly indicated.

1. The ANSI Board of Directors must determine whether ANSI is in a position to assume the burdens of the private sector standards coordinating center as outlined in the NPS, and initiate the various actions required to ensure fulfillment of that imposing responsibility.

2. The Department of Commerce should, in accepting the responsibility assigned by the OMB Circular on Federal Participation in the Development and Use of Voluntary Standards, designate within its large organization the specific unit that is to have responsibility for activities falling within the scope of the government sector standards coordinating center, as described in the NPS.

3. Each standards writing organization must study the NPS and Recommended Implementation Plan with a view to quickly determining whether or not it is prepared to adopt the NPS and work within the voluntary national standards structure that it recommends.

4. The PSSCC and the GSSCC must quickly establish mechanisms for working closely and effectively together in the interest of strong national and international standards programs for the U.S.

9. FOLLOW-UP BY NSPAC

Finally, the NSPAC suggests that it be reconvened approximately two years from the date of this report for the sole purpose of independently assessing and reporting on the effectiveness of NPS, particularly its level of acceptance and implementation.

[FR Doc. 78-34169 Filed 12-6-78; 8:45 am]

[3510-25-M]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

DOMINICAN REPUBLIC

Consultations Concerning Possible Import Restraint Level for Certain Man-Made Fiber Textile Products

NOVEMBER 30, 1978.

On November 30, 1978, the United States Government, in furtherance of the objectives of, and under the terms of Article 3 of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, as extended on December 15, 1977, requested the Government of the Dominican Republic to enter into consultations concerning exports to the United States of man-made fiber brassieres in Category 649, produced or manufactured in the Dominican Republic. A complete description of the category 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 342). March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408).

Notice is hereby given that under the provisions of Article 3 and Annex B of the Arrangement, if no solution is mutually agreed upon by the two governments at the conclusion of consultations to begin no later than February 15, 1979, entry and withdrawal from warehouse for consumption of man-made fiber textile products in Category 649, produced or manfactured in the Dominican Republic and exported to the United States during the twelve-month period beginning on the date of delivery of this note, could be unilaterally restrained.

There is published below market disruption information relating to Category 649. Any party wishing to express a view or provide data or information with respect to this category 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 NW., Room 3826, Washington, D.C. 20230. To enable timely consideration, comments should be submitted at the earliest date possible, but no later than January 8, 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 NW., Washington, D.C. 20230, and may be obtained upon written request pursuant to the Freedom of Information Act, 5 U.S.C. 552 (1976), as amended, and the regulations of the Department of Commerce (15 CFR Part 4 1978). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on 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. 533(a)(1) and 554(a)(4) (1976) relating to matters which constitute "a foreign affairs function of the United States."

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements.

MARKET STATEMENT—DOMINICAN REPUBLIC

Cat. 649—Body Supporting Garments.

Apparel items contained in this category include all man-made fiber brassieres, girdles, corsets, garters and other body supporting garments.

The U.S. man-made fiber body supporting garment industry is one of the severely impacted areas of the U.S. apparel industry. The import/production ratio was 50.7 in 1977, up from 42.9 percent in 1976.

Imports: Total U.S. imports of man-made fiber body supporting garments increased from 610,000 dozen in 1967 to 9,420,283 dozen in 1977 and to 10,273,634 dozen in the year ending September 1978. Brassieres accounted for 96 percent of this total.

The Dominican Republic is the fifth largest supplier of these items to the United States, accounting for 10 percent of total imports. The Philippine Republic is the largest supplier with 22 percent.

Imports from the Dominican Republic increased from 2,151 dozen in 1972

to 478,247 dozen in 1976, 821,065 dozen in 1977 and 1.1 million dozen in the year ending September 1978. Brassieres, both ornamented and non-ornamented, account for 97 percent of these items imported from the Dominican Republic.

Among the major suppliers of these items, the Philippine Republic, Hong Kong, Haiti and Korea control their exports to the United States.

Prices: The CIF value, including import duties of imports in this category from Dominican Republic are substantially below the domestic prices for similar goods produced in the United States.

Domestic Production: U.S. domestic production of man-made fiber body supporting garments declined from 22.1 million dozen in 1967 to 19.5 million dozen in 1976 a drop of 11.8 percent. Production in 1977 has declined an additional 5 percent from the 1976 levels. Brassieres account for 78 percent of U.S. Production of the items in this category.

Employment: Total employment in the body supporting garment industry declined from 31,300 in 1972 to 24,000 in 1976. Employment in 1977 decreased by about 13.7 percent to 20,700 from 1976 levels. Employment in August 1978 was down an additional 7.2 percent from December 1977.

TABLE 1.—*U.S. Imports From the World and From Dominican Republic of Body Supporting Garments, Man-Made Fiber, Category 649*

[Dozens]

	Total imports	Imports from Dominican Republic	
1972	4,778,648	2,151	
1973	5,352,572	43,683	
1974	5,867,566	257,085	
1975	6,573,278	378,871	
1976	8,377,876	478,247	
1977	9,420,283	821,065	
YE January 1978	9,295,909	840,547	January 1978 67,030
YE February 1978	9,449,121	840,003	February 1978 43,195
YE March 1978	9,482,690	874,803	March 1978 84,663
YE April 1978	9,717,912	934,162	April 1978 114,188
YE May 1978	9,766,416	965,270	May 1978 99,088
YE June 1978	9,867,701	988,874	June 1978 112,589
YE July 1978	10,132,414	1,036,793	July 1978 116,070
YE August 1978	10,174,447	1,049,413	August 1978 79,734
YE September 1978	10,273,634	1,107,746	September 1978 131,712

TABLE 2.—*Restraint Levels for Current Bilateral Year*

Category 649	Dozen	SYE
Specific level:		
Haiti	771,301	3,702,245
Philippines	3,400,404	16,321,939
Hong Kong	1,023,419	4,912,411
Designated consultation level:		
Korea	218,750	1,050,000

TABLE 3.—*Major Suppliers to the U.S. Market of Manmade Fiber Body Supporting Garments (Category 649)* [1]

[1,000 dozen]

	1972	1973	1974	1975	1976	1977	YE July 1978	YE August 1978
(1) Philippine Republic	1,613	2,032	2,060	1,905	2,104	2,179	2,220	2,240
(2) Mexico	969	1,322	1,567	1,864	2,119	2,137	2,079	2,064
(3) Hong Kong	666	465	385	614	941	1,041	1,192	1,143
(4) Costa Rica	472	451	509	531	934	1,047	1,090	1,139
(5) Dominican Republic	2	44	257	379	478	821	1,036	1,049
(6) Haiti	78	111	165	309	516	741	845	840
(7) Barbados	10	18	—	—	135	338	376	386
(8) Honduras	215	230	210	197	252	236	271	293
(9) El Salvador	9	9	15	54	177	206	269	275
(10) Jamaica	438	384	421	305	266	266	266	270
(11) Trinidad	64	97	126	124	159	151	133	128
(12) Korea Republic	1	—	—	22	143	168	136	127
All Other	242	190	153	269	154	89	210	220
Total	4,779	5,353	5,868	6,573	8,378	9,420	10,132	10,174

[1] Ranked as of YE August 1978.

Dominican Republic: U.S. General Imports of Category 649 (Bras) for Selected Periods

Rank as of Sept. 30, 1978, and country	Unit/SYE	1976	1977	YE Sept. 30, 1978	Restraint level	Type
Total	Dozen	8,377,874	9,420,285	10,273,634		
	(SYE)	(40,213,795)	(45,217,368)	(49,313,443)		
5 Dominican Republic	Dozen	478,247	821,065	1,107,746	[1]NA	
	(SYE)	(2,295,586)	(3,941,112)	(5,317,181)		
Percent of total		5.7	8.7	10.8		
Total leading countries	Dozen	6,612,987	7,146,573	7,421,224		
Excluding Dominican Republic	(SYE)	(31,742,338)	(34,303,550)	(35,621,875)		
Percent of total		78.9	75.9	72.2		
1 Philippines Republic	Dozen	2,103,765	2,179,460	2,228,156	3,400,404	SL
	(SYE)	(10,098,072)	(10,461,403)	(10,695,149)		
2 Mexico	Dozen	2,119,149	2,137,064	2,068,020	[1]NA	
	(SYE)	(10,171,915)	(10,257,907)	(9,926,496)		
3 Costa Rica	Dozen	933,647	1,047,905	1,147,622	[1]NA	
	(SYE)	(4,481,506)	(5,029,944)	(5,508,586)		
4 Hong Kong	Dozen	940,858	1,041,329	1,115,834	1,023,419	SL
	(SYE)	(4,516,118)	(4,998,379)	(5,356,003)		
6 Haiti	Dozen	515,568	740,815	861,592	771,301	SL
	(SYE)	(2,474,726)	(3,555,912)	(4,135,642)		

[1]Not available.

TABLE 4.—*Imports From Dominican Republic by Category and TSUSA Number*

[Dozens]

BRASSIERES AND OTHER BODY SUPPORTING GARMENTS, MANMADE FIBER

TSUSA Number	YE September 1977	YE September 1978	Major suppliers
CATEGORY NO. 649			
Total U.S. imports	9,229,423	10,273,634	
Imports from the Dominican Republic (rank 5)	714,200	1,107,746	Philippine Republic, Mexico, Costa Rica, Hong Kong, Dominican Republic, and Haiti.
376.2430 Brassieres, ornamented		394,030	Mexico, Philippine Republic, Costa Rica, Dominican Republic, and Haiti.
376.2445 Brassieres, ornamented	377,705	108,627	Mexico, Haiti, Philippine Republic, Costa Rica, and Dominican Republic.
376.2470 Body supporting garments, except brassieres, ornamented.		4,874	Mexico, Haiti, and Dominican Republic.
376.2485 Body supporting garments, except brassieres, ornamented, women's and girls'.	1,466	2,909	Mexico, Haiti, and Dominican Republic.
376.2495 Body supporting garments, except brassieres, ornamented, men's and boys'.		1,303	Domilcan Republic.
376.2830 Brassieres, nonornamented		431,397	Philippine Republic, Hong Kong, Dominican Republic, Mexico, and Costa Rica.
376.2845 Brassieres, nonornamented	334,351	137,495	Philippine Republic, Hong Kong, Mexico, Costa Rica, Dominican Republic, and Haiti.
376.2885 Body supporting garments, except brassieres, nonoramented, women's, girls' infants'.	678	1,265	Mexico, Costa Rica, Japan, and Dominican Republic.
376.2886 Body supporting garments, except brassieres, nonornamented.		25,846	Mexico, Costa Rica, and Dominican Republic.

TABLE 5.—*Comparable Import and Domestic Price Data* [1]

[U.S. dollars per dozen]

Category 649—Body Supporting Garments—Dozen	
376.2430 Brassieres, ornamented:	
Mexico	$18.75
Haiti	12.25
Philippine Republic	10.00
Costa Rica	14.00
Hong Kong	20.50
Dominican Republic	18.50
United States	44.50

TABLE 5.—*Comparable Import and Domestic Price Data*—Continued

[U.S. dollars per dozen]

Category 649—Body Supporting Garments—Dozen	
376.2830 Brassieres, nonornamented:	
Mexico	13.50
Haiti	9.50
Philippine Republic	8.25
Costa Rica	11.00
Hong Kong	12.00
Dominican Republic	12.50
United States	40.75

[1]Imports are average duty paid CIF value.

Table 6.—*Production, Imports and Import/Production Ratio, Body Supporting Garments, Manmade Fiber, Category 649*

[1,000 dozen]

Year	Production	Imports	Ratio
1967	22,111	610	2.8
1968	23,634	1,430	6.1
1969	23,433	1,835	7.8
1970	22,109	2,674	12.1
1971	21,870	3,745	17.1
1972	22,122	4,779	21.6
1973	21,330	5,353	25.1
1974	18,692	5,868	31.4
1975	17,899	6,573	36.7
1976	19,525	8,378	42.9
1977 preliminary	18,595	9,420	50.7

TABLE 7.—*U.S. Production—Body Supporting Garments—Category 649*

[1,000 dozen]

Category 649—Body Supporting Garments—Manmade Fiber						
SIC product code	1972	1973	1974	1975	1976	1977
2342110 brassieres	16,445	16,307	16,353	13,487	15,236	14,422
234210 girdles	5,677	5,023	4,339	4,412	4,289	4,173
Total category 649	22,122	21,330	18,692	17,899	19,525	18,595

TABLE 8.—*Employment in Body supporting Garments Industry*

[1,000 dozen]

Period	Apparel	Body supporting garments
1972	1,382.7	31.3
1973	1,438.1	29.8
1974	1,362.6	27.6
1975	1,243.3	24.1
1976	1,318.1	24.0
1977	1,312.3	20.7
January 1978	1,294.4	20.3
February 1978	1,309.5	19.9
March 1978	1,327.0	20.6
April	1,325.7	20.3
May 1978	1,328.2	20.0
June 1978	1,341.8	19.7
July 1978	1,263.6	19.1
August 1978	1,317.1	19.3
September 1978	1,326.6	[1]NA
October 1978	1,327.5	[1]NA

[1]Not available.

TABLE 9.—*FRB Industrial Production Indices*

[1967=100]

Period	Apparel
1972	109.4
1973	117.3
1974	114.3
1975	107.6
1976	122.2
1977	124.2
January 1978	118.6
February 1978	121.1
March 1978	122.8
April 1978	126.1
May 1978	125.9
June 1978	126.8
July 1978	124.6

[FR Doc. 78-33976 Filed 12-6-78; 8:45 am]

[3710-08-M]

DEPARTMENT OF DEFENSE

Department of the Army

MILITARY TRAFFIC MANAGEMENT COMMAND; MILITARY PERSONAL PROPERTY CLAIMS SYMPOSIUM

Meeting Cancellation

In FR Doc. 78-32542 appearing at page 54123 in the issue for Monday, November 20, 1978, the December 14, 1978 meeting of the Military Personal Property Claims Symposium has been cancelled. A meeting will be scheduled in June and announcement made in FEDERAL REGISTER accordingly.

Dated: November 30, 1978.

DONALD H. MENSCH,
Colonel, GS,
Director of Personal Property.

[FR Doc. 78-34115 Filed 12-6-78; 8:45 am]

[6740-02-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

AREA RATE PROCEEDING, ET AL. (TEXAS GULF COAST AREA)

Order Establishing Procedures for Claiming Recoupment of Excess Refund Payments

NOVEMBER 28, 1978.

Before Commissioners: Charles B. Curtis, Chairman; Don S. Smith, and Georgiana Sheldon.

In the Matter of Area Rate Proceeding, *et al.* (Texas Gulf Coast Area) *Docket Nos.* AR64-2, *et al.;* Area Rate Proceeding, *et al.* (Other Southwest Area) AR67-1, *et al.;* Area Rate Proceeding, *et al.* (Southern Louisiana Area) AR61-2, *et al.* and AR69-1, *et al.;* Area Rate Proceeding, *et al.* (Permian Basin Area II) AR70-1, *et al.*

The Commission[1] issued four area rate opinions, determining just and reasonable rates and providing for refunds of amounts collected in excess of such rates, wherein reserves dedication work-off credits could be utilized, as follows:

Area	Opinion No.	Date issued	Termination date for work-off credits	Date refunds ordered (flow-through)
Texas Gulf Coast	595	May 6, 1971	Jan. 1, 1976	June 1, 1976 (Aug. 2, 1976).
Southern Louisiana	598	July 16, 1971	Oct. 1, 1977	Oct. 31, 1977 (Nov. 29, 1977).
Other Southwest	607	Oct. 29, 1971	Jan. 1, 1976	June 1, 1976 (Aug. 2, 1976).
Permian Basin II	662	Aug. 7, 1978	Jan. 1, 1973	May 1, 1978 (June 15, 1978).

These opinions provided that the refund obligations derived therefrom could be discharged, totally or in part, by the producers through the dedication of gas in the form of a refund credit of one cent per Mcf of new gas reserves committed to interstate commerce. A producer could discharge up to 100% of its refund obligation to any buyer by dedicating gas to that buyer or up to 50% of such obligation through dedication of gas to other buyers. These opinions also provided that if producers' refund obligations had not been completely discharged by the termination dates for work-off credits as shown above the producers would have to make remaining refunds in cash plus additional interest at the rate of 7% per annum. The Commission has ordered refunds in each area. Most of the refund monies have been disbursed to the pipeline companies by the producers. Some of these monies have been flowed-through by the pipeline companies to their customers.

Opinion No. 749, effective January 1, 1976, in Docket No. R-478 established nationwide flowing gas rates for gas sold from wells commenced prior to January 1, 1973. The Commission ordered therein that gas currently being sold or dedicated to be sold from this class of wells in discharge of a refund obligation in any of the four captioned area rate proceedings could be sold at the increased national rate effective January 1, 1976, only if the seller waived its refund credits on and after that date. In *Tenneco Oil Co.* v. *Federal Energy Regulatory Commission,* 571 F.2d 834 (5 Cir. 1978) the Court of Appeals set aside that portion of Opinion No. 749 requiring waiver of refund credits for sales of gas made at the rate established in that opinion.

It will now be necessary for those producers desiring to claim recoupment of excess refund payments because of the Opinion No. 749 waiver requirement and the *Tenneco* decision to submit revised refund disbursement reports reflecting the additional reserves covered by Opinion No. 749 to be credited towards discharging of refund obligations.

To substantiate these credits, it will be necessary for the pipeline companies, at the requests of the producers, to submit revised Reserves Dedication Reports (Form 334),[2] reflecting recoverable reservoir reserve volumes in lieu

[1]These proceedings were commenced before the F.P.C. By joint regulation of October 1, 1977 (10 CFR 1000.1), they were transferred to the FERC. The term "Commission" when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2]Order 459, establishing Form 334, provides that the reserves estimate set forth in a submitted report shall be subject to review by the staff of the Commission. If the staff does not notify the producer and purchasers within 90 days after the date such report is filed or within 90 days after the date this order has been issued, if such report has been filed prior to the date of issuance of this order, that it disagrees with such estimate, the reserves set forth therein can be considered accepted.

of production volumes as originally specified in Opinion No. 749.[3]

Because of the additional refund credits, it will also be necessary for the producers to reallocate their total refund credits proportionately among their creditor pipelines in accordance with the United Distribution Companies Settlement Proposal (Appendix A to Opinion No. 598).[4] Each reallocation statement shall include (a) the total amount owed to each purchaser by rate schedule, including rate schedules of others; (b) the total direct reserves dedication credits to each purchaser by purchaser report number; (c) the excess credits or remaining amount owed to each purchaser; (d) the allocation of excess credits to each purchaser still owed money after application of direct credits and (e) the amount of excess refund monies paid out by the producer to each purchaser.

As validation, the pipeline companies shall be required to submit unqualified concurrences (or non-concurrences) in both the producers' revised refund disbursement reports and reallocation statements.

Following Staff review of the Forms 334, the producers' reallocation statements, and the revised refund disbursement reports, the Commission will issue a further order setting forth the procedures for the recoupment by the producers and the pipelines of excess monies refunded and flowed through.

The Commission orders: (A) Those producers desiring to claim additional refund discharge credits for dedications of reserves covered by Opinion No. 749 shall request the pipeline companies to whom they have made such dedications to file revised Reserves Dedication Reports (Form 334) with the Commission and shall file copies of such request with the Commission. The producers' requests and supporting reserves and production data shall be furnished the pipeline companies within 60 days of the date of this order. Since the deadlines for filing Forms 334 have passed, only revisions to previously filed reports will be permitted. The only exception to this prohibition will be in a situation where there had been no production from dedicated reserves covered by Opinion No. 749 prior to the Form 334 filing deadline date and, consequently, no refund credits could have previously been obtained by the producer by the filing of a Form 334. Any claims of this nature must be fully documented and must be accompanied by a statement that any production from such reserves is to be sold at the Opinion No. 749 rates.

(B) Within 120 days of the date of this order, the pipeline companies shall file the requested Form 334 with the Commission.

(C) Within 180 days of the date of this order, the producers shall:

(1) Submit revised refund disbursement reports and reallocation statements of all reserves dedications in accordance with the United Distribution Companies Settlement Proposal. The reallocations should be based on a producer's total outstanding refund obligations in the rate proceeding area, including its refund obligations as a working interest owner under the rate schedules of others, and

(2) File with the Commission unqualified concurrences (or non-concurrences) of the pipelines in the revised refund disbursement reports and reallocation statements.

(D) No excess refund monies paid out shall be repaid to the producers pending further order of the Commission.

(E) All producer and pipeline filings required in this order shall be submitted in triplicate, with copies served on all interested parties, except revised Form 334, which shall be submitted in an original and three copies. In addition, all producer and pipeline refund reports shall be signed by a corporate officer or, if an individual or group of individuals, by such individual or individuals.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-34054 Filed 12-6-78; 8:45 am]

[3]The previously submitted Forms 334 showed only actual production volumes prior to the effective date of a producer rate increase to the rate prescribed in Opinion No. 749, in accordance with the waiver requirements of Opinion No. 749. These revised Forms 334 should show the greater total recoverable reserves volumes in accordance with the *Tenneco* decision.

[4]Section 8.2.2(d) of the Settlement Proposal provided "... if new reserves are committed to a purchaser to which the producer owes no refund or in an amount which exceeds the refund obligation owed to that purchaser, then the one cent (1.0 cent) per Mcf credit shall be applied to reduce the producer's remaining refund obligations to all other purchasers as to each in proportion that the obligation owed to each bears to the remaining total refund obligation of such producer."

[6740-02-M]

[Docket No. RM79-3]

NATURAL GAS POLICY ACT OF 1978

Receipt of Report of Determination Process

DECEMBER 4, 1978.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency and date

State of Michigan, Department of Natural Resources, Geological Survey Division December 1, 1978.

Copies of this report are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N. E. Washington, D.C. 20426.

LOIS D. CASHELL,
Acting Secretary.

[FR DOC. 78-34095 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. RM79-3]

NATURAL GAS POLICY ACT OF 1978

Receipt of Report of Determination Process

DECEMBER 1, 1978.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency, and date

State of New Mexico Energy and Minerals Department, Oil Conservation Division, November 29.
Railroad Commission of Texas, November 30.
State of Louisiana Department of Conservation, November 29.
West Virginia Department of Mines, Oil and Gas Division, November 30.
Alabama State Oil and Gas Board, November 30.
State Oil and Gas Board of Mississippi, November 30.
Kansas State Corporation Commission Conservation Division, November 30.

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34096 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. RP72-110 (PGA-78-12B)]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant To Purchased Gas Cost Adjustment Provision

NOVEMBER 28, 1978.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on November 6, tendered for filing Second Substitute 44th Revised Sheet No. 10 to its FERC Gas Tarriff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1. Algonquin Gas also indicates that the rate change proposed to be effective October 1, 1978, is being filed to reflect a reduction in purchased gas costs filed by its supplier, Texas Eastern Transmission Corporation, under both its Second Substitute 44th Revised Sheet No. 14D and its Third Substitute 44th Revised Sheet No. 14D.

Algonquin Gas proposes that the revised tarriff sheet become effective on October 1, 1978.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.0). All such petitions or protests should be filed on or before December 4, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34071 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. CI77-641]

ARKANSAS LOUISIANA GAS CO. v. DYCO PETROLEUM CORP.

Offer of Settlement

NOVEMBER 28, 1978.

Take notice that on November 2, 1978, Dyco Petroleum Corporation submitted an offer of settlement in the captioned proeeding.[1] The issue in this case, which Dyco states the offer is designed to settle fully, is whether natural gas production attributable to Dyco's interest in certain acreage in Dewey County, Oklahoma, is dedicated to interstate commerce by reason of a predecessor's commitment of the acreage to a gas purchase contract with Arkansas Louisiana Gas Company (Arkla), the complainant herein.

Dyco states that litigation respecting the issue in this case[2] may be prolonged and costly. Dyco therefore offers to settle the proceeding by committing to Arkla natural gas reserves equivalent to or greater than Dyco's share of reserves attributable to the disputed acreage. The equivalent reserves underlie a separate tract of land leased by Dyco, on which a well has been drilled. Appended to the settlement offer are executed 20-year gas purchase contracts commiting Dyco's interest in production of the equivalent reserves to Arkla. The contract provides for a price at the highest applicable rates permitted by law.

The offer of settlement, and the gas purchase contracts, are conditioned upon Commission approval of the settlement no later than January 1, 1979. Dyco states that the conditions were imposed because of the necessity felt by the producers of commencing deliveries from the shut-in well to generate cash flow from sales of the gas.

The Commission will provide for the filing of comments on Dyco's offer of settlement on an expedited basis. Any person desiring to be heard or to protest the offer of settlement should file comments by December 8, 1978, with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426.

All protests and comments 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 party wishing to become a party must file a petition to intervene in accordance with the Commission's Rules, provided, however, that persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filings. Copies of the Settlement Agreement are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

FR Doc. 78-34072 Filed 12-6-78; 8:45 am]

[1] Joining in the offer of settlement are McCulloch Oil Corporation, Statex Petroleum, Inc., and HBOP, Ltd., jointly referred to in this notice as "Dyco."

[2] Apart from the proceeding before the Commission, a judicial proceeding instituted by Dyco, *et al.* is pending in the United States District Court for the Western District of Oklahoma. *Hoover & Bracken, Inc., et al.* v. *Arkansas Louisiana Gas Co.* and *FERC, W.D. Okla. No. CIV-78-0191-B (complaint filed 1978). The offer of settlement provides that upon approval, Dyco will move to dismiss its complaint with prejudice.*

[6740-02-M]

[Docket No. CP76-60]

ARKANSAS LOUISIANA GAS CO., COMPLAINANT v. McCULLOCH OIL CORP. OF TEXAS, DEFENDANT

Order Providing for Formal Conference

NOVEMBER 27, 1978.

On August 18, 1975, Arkansas Louisiana Gas Company (Arkla), an interstate pipeline company, filed a complaint with the Commission pursuant to Section 1.6 of the Rules of Practice and Procedure against McCulloch Oil Corporation of Texas (McCulloch), a gas producer, alleging that McCulloch had made and was continuing to make sales of natural gas to an intrastate gas pipeline company that had been previously dedicated to the interstate market and Arkla. Following the filing of the complaint and McCulloch's answer thereto, the two parties entered into a settlement agreement dated March 29, 1976. Arkla thereafter filed a notice of withdrawal of its complaint pursuant to Section 1.11(d) of the Commission's Rules. We hereby exercise our authority under Section 1.18(c) of the rules to order the parties to appear at a formal conference for the purposes set forth below.

The complaint filed by Arkla states that it had entered into a contract with Amarex, Inc. (Amarex), a gas producer, dated June 6, 1970, under which Arkla would purchase from Amarex gas produced from certain fields that were part of a large block of leaseholds held by Amarex, as lessee, in the Texas Panhandle. The complaint further states that this contract was filed with the Commission as part of Arkla's application for a certificate of public convenience and necessity permitting Arkla to construct a pipeline 298 miles long from the Deep Anadarko Basin in the Texas Panhandle to Wilburton, Oklahoma.[1]

The complaint alleges that following the execution of its contract with Arkla, Amarex assigned certain of the leases dedicated to the contract to McCulloch. Amarex proceeded to file for and receive a small producer certificate in Docket No. CS71-92 on August

[1] Arkla's application for the pipeline was filed on May 4, 1970, in Docket No. CP70-267, and a certificate was issued to Arkla by Opinion No. 612 on February 18, 1972, with rehearing denied on April 12, 1972.

12, 1971. Arkla states that on November 24, 1971, Amarex initiated sales to the interstate market from certain of the leases retained by Amarex and covered by the contract.

The complaint avers that McCulloch drilled and completed one or more gas wells on certain of the leaseholds which McCulloch had acquired by assignment from Amarex and that McCulloch thereafter delivered gas from these wells to an intrastate gas company, Pioneer Natural Gas Company (Pioneer). It further states that Arkla had demanded that McCulloch deliver the gas from these wells to Arkla and that McCulloch had refused to do so.

Arkla noted in its complaint that McCulloch had filed suit in United States District Court for the Northern District of Texas, Amarillo Division, asking the court to issue an order declaring that Arkla is not entitled to the gas produced and sold from those leaseholds McCulloch had originally acquired from Amarex as an assignee.[2]

Arkla prayed in its complaint for relief in the form of (1) finding McCulloch in violation of the Natural Gas Act, (2) requiring McCulloch to provide an accounting of all sales to Pioneer from the wells in question, and (3) ordering McCulloch to cease and desist the delivery of gas to Pioneer and repay Arkla for the amounts of gas delivered to Pioneer.

McCulloch filed its answer together with a motion to dismiss the complaint on September 26, 1975, contending that it was not in violation of the Natural Gas Act and requesting that the relief sought by Arkla be denied. McCulloch further stated that Arkla's complaint lacked facts specific enough for response or sufficient enough to establish a basis for Commission jurisdiction. McCulloch stated, therefore, that Arkla's complaint did not comport with Section 1.6 of the Rules.

McCulloch asserted in its answer that any sales to Pioneer are from fields not covered by the Amarex contract with Arkla but are, instead, from fields covered by leases entered into by McCulloch subsequent to the execution of the Arkla-Amarex contract.

McCulloch then made an alternative motion to hold in abeyance the Commission proceeding pending resolution of its contract action filed against Arkla in U.S. District Court. McCulloch stated that the primary dispute between it and Arkla is a question of contract law—whether certain of its leases are a part of the Arkla-Amarex gas purchase contract.

As noted above, Arkla and McCullich proceeded to enter discussions aimed at resolving their dispute. On March 29, 1976, they joined in a settlement agreement. Under this agreement, McCulloch agreed to dedicate to Arkla all future gas developed in fields known as the Grand and Brown Prospects, Ellis County, Oklahoma, and from Section 7 and the south half of Section 19 in the Mendota Prospect. Arkla, in turn, agreed to release its prior claims to gas in the Mendota Prospect. No provision was made for past sales or current sales from those wells purported to be dedicated to the intrastate market by McCulloch. This settlement agreement was conditioned upon Arkla's successfully withdrawing its complaint in this proceeding.

On May 10, 1976, Arkla filed a notice of withdrawal of its complaint stating that the controversy raised by its complaint and joined by McCulloch by its answer no longer exists.

On July 12, 1977, McCulloch filed a motion for expedited review and attaches as an exhibit an amendment to the settlement between the two parties.

No petitions to intervene or notices of intervention were filed in this matter.

It appears that the pleadings in this case do not set forth the facts necessary for a well-informed Commission decision. In an effort to obtain the necessary additional information and to expedite the resolution of this case we direct that, pursuant to Section 1.18(c) of the Rules, a conference be held and that the parties to this proceeding appear to consider the matters set forth below. This course of action had been taken in similar situations in the past. See, *e.g., Northern Natural Gas Company,* Docket No. CS71-6, Order Initiating Prehearing Conference and Granting Petitions to Intervene, September 26, 1975.

The aim of a formal conference before a Presiding Administrative Law Judge is to enable the parties to agree to stipulations of all relevant facts necessary to resolve this case. So that stipulations may be arrived at more readily we direct Staff counsel to draft stipulations and serve them upon the parties no later than seven days before the convening of the conference. Hopefully, the use of stipulations will eliminate the need for an evidentiary hearing. The Presiding Judge, of course, will have those powers prescribed in Section 1.18(d) of the Rules. The parties are reminded of the effect of a failure to stipulate at such a conference to matters of fact later proved as provided by Section 1.18(f) of the Rules.

We further direct that the parties at the conference submit documents in support of the settlement agreement.

Following the conference, the Presiding Judge shall submit a report to the Commission for its consideration prior to further action by it.

We think it appropriate to respond at this time to McCulloch's argument that this proceeding should be stayed pending resolution of its action in U.S. District Court. McCulloch asserted in its answer that the issue of dedication of the leaseholds it originally acquired as an assignee of Amarex is one merely of contract law. This view is incorrect. The effect of dedication of reserves—if that is what occurred in this case—is to attach a separate and independent *federal obligation* on leaseholds or wells or a certain service that is above and beyond common law contractual obligations. *See, California, et al.* v. *Southland Royalty Co., et al.,* 98 S. Ct. 1955, 1959 (1978); *Sunray Mid-Continent Oil Co.* v. *F.P.C.,* 364 U.S. 137, 155 (1960). This federal obligation is not imposed by the contract but by the effect of dedication as provided by the Natural Gas Act. No reason exists, therefore, to await a ruling on the force of common law contract obligations. It is within the purview of this Commission to determine the existence and effect of the federal obligation attached to gas reserves dedicated to the interstate market.

Moreover, we do not believe that the recent enactment of the Natural Gas Policy Act of 1978 makes inappropriate the course of action directed here. There may exist an issue of past dedication and volumes of gas wrongly diverted from the interstate market.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Commission initiate, pursuant to Section 1.18(c) of its Rules of Practice and Procedure, a conference, as more fully set forth hereinbefore, to assist the Commission in reaching a proper and informed decision in this matter.

The Commission orders: A conference shall be convened in the proceeding in Docket No. CP76-60 in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on December 19, 1978 at 10:00 a.m. (EST). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority 18 CFR 3.5(d)—shall preside and shall make relevant procedural determinations not provided for herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-34073 Filed 12-6-78; 8:45 am]

[2] *McCulloch Oil Corp.* v. *Arkansas Louisiana Gas Co.,* No. CA-2-75-15 (N.D. Tex., filed January 31, 1975.)

[6740-02-M]

[Docket No. ER79-66]

CENTRAL LOUISIANA ELECTRIC COMPANY, INC.

Filing

NOVEMBER 29, 1978.

Take notice that on November 17, 1978, Central Louisiana Electric Company, Inc. (CLECO) tendered for filing a Letter Agreement dated October 16, 1978 covering the sale of 100 MW of surplus capacity to Gulf States Utilities Company (GSU) for twelve (12) months beginning January 1, 1979. CLECO states that GSU desires to purchase this capacity for its system needs and CLECO agrees to provide this capacity and that the Agreement will be beneficial to both systems. CLECO further states that the Agreement is contingent upon CLECO obtaining equivalent capacity and energy from Southwestern Electric Power Company and upon CLECO obtaining approval of all regulatory bodies having jurisdiction. CLECO indicates that deliveries will be made over existing interconnection facilities.

CLECO proposes an effective date of January 1, 1979, and therefore requests waiver of the Commission's notice requirements.

According to CLECO copies of this filing have been sent to the Louisiana Public Service Commission, GSU and Southwestern Electric Power Company.

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 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

LOIS D. CASHELL
Acting Secretary.

[FR Doc. 78-34058 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. CP77-423 (Phase II)]

COLORADO INTERSTATE GAS CO.

Amendment

NOVEMBER 27, 1978.

Take notice that on November 2, 1978, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-423 (Phase II), an amendment to its pending application in said docket pursuant to Section 7 (c) of the Natural Gas Act so as to request authorization for the establishment of a new point for deliveries of natural gas to applicant from the La Barge area in place of the delivery point originally proposed,[1] all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

Applicant asserts that the application in Docket No. CP77-423 requested authority for it to transport for and exchange natural gas with, Panhandle Eastern Pipe Line Company (Panhandle) from the Red Desert and East La Barge areas of Sweetwater County, Wyoming. As a result of the filing of a petition to intervene by Northwest Pipeline Corporation concerning the transportation of gas from the La Barge area, Panhandle moved the Commission to phase the application since no objections were raised concerning the Red Desert proposal, and the Commission agreed to phase the application and designated the Red Desert and La Barge proposals as Phase I and Phase II, respectively, it is said.

Applicant further asserts that on February 17, 1978, it received certificate authority in Docket No. CP77-423 (Phase I) to transport for, and exchange natural gas with Panhandle from the Greater Green River Basin area in southwestern Wyoming in accordance with the terms of a gas purchase and exchange agreement, dated December 3, 1976. The certificate granted in Phase I authorized Panhandle to construct facilities in the Red Desert area of Sweetwater County, Wyoming and to deliver natural gas to Applicant for transportation and redelivery by Applicant to Panhandle with Applicant having an option to purchase 25 percent of all volumes delivered to it, it is said. The balance would be redelivered, less applicable fuel and unaccounted-for volumes, on a thermally equivalent basis to Panhandle at existing delivery points located in Kearny County, Kansas, and Texas County, Oklahoma, it is asserted.

Applicant further asserts that after the order in Phase I issued, Panhandle negotiated a transportation and exchange agreement dated June 28, 1978 with Mountain Fuel Supply Company (MFS) and Applicant. Under the terms of that agreement, (MFS) would transport on behalf of Panhandle natural gas produced in the La Barge area from a proposed point of interconnection between MFS and Panhandle to Applicant at a proposed point of interconnection of the facilities of MFS and Applicant situated in Sweetwater County, Wyoming, it is said. Applicant states that it would agree to accept natural gas delivered by MFS for Panhandle's account at that location.

Applicant states it would transport and redeliver to Panhandle the East La Barge gas received from MFS for Panhandle's account at the delivery point proposed herein, as well as gas currently being received from Panhandle at the Red Desert delivery point, in accordance with the terms of the December 3, 1976, agreement between Applicant and Panhandle. The delivery point proposed herein is some 25 miles downstream from the location originally proposed for receipt of the La Barge area gas and the effect on Applicant's system would not be substantially different from that reflected in the initial application in this proceeding, it is asserted.

Applicant states that the agreement would be beneficial to both Panhandle and Applicant. It is asserted that Panhandle would benefit by receiving gas supplies in the La Barge area without the expenditure for constructing major connection facilities, and Applicant would benefit from the exchange by obtaining an option to purchase up to 25 percent of all volumes delivered from the La Barge area and by receiving transportation revenues from Panhandle.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34074 Filed 12-6-78; 8:45 am]

[1] The new delivery point (designated, as the North Baxter delivery point) is located in Section 2, T19N, R104W, Sweetwater County, Wyoming at a proposed point of system interconnection between Applicant and Mountain Fuel Supply Company.

[6740-02-M]

(Docket Nos. RP77-105, RP76-76 and RP75-86, *et al.* (Reserved issues)]

COLORADO INTERSTATE GAS CO.

Filing of Settlement

NOVEMBER 29, 1978.

Take notice that on November 13, 1978, Colorado Interstate Gas Company (CIG) filed a settlement agreement with the Commission which, if approved, will resolve all issues in Docket Nos. RP77-105 and RP76-76 and all reserved issues in Docket No. RP75-86.

Any person desiring to be heard or to protest the proposed settlement agreement should file comment with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 12, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34075 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket Nos. RP75-91, RP77-7, and RP77-140]

CONSOLIDATED GAS SUPPLY CORP.

Settlement Conference

NOVEMBER 22, 1978.

Take notice that an informal settlement conference will be convened in the subject gas pipeline rate proceedings at 11:00 a.m. on December 14, 1978 in a hearing room at the office of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-34076 Filed 12-6-78; 8:45 am]

[6740-02]

[Docket No. ER79-62]

CONSUMERS POWER CO.

Filing

NOVEMBER 29, 1978.

Take notice that on November 16, 1978, Consumers Power Company (Consumers) tendered for filing a contract and rate schedule for wholesale electric service to the City of Lowell, Michigan. Consumers states that the contract provides for the delivery of energy to an intermediary at the rate of 500 kW, for transmission to the City of Lowell. Consumers further states that the rates and charges established by the contract are the same as those accepted for filing and permitted to become effective with respect to service to other members of the jurisdictional service class by letter of the Commission dated November 1, 1977 in Docket No. ER77-534.

Consumers proposes an effective date of November 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34059 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. CI79.107]

DEVON CORP., ET AL.

Petition for Declaratory Order

NOVEMBER 29, 1978.

On November 1, 1978, Devon Corporation, *et al.* (Devon) filed a petition pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) requesting that the Commission issue an order stating whether regulatory approvals are necessary for the construction and operation of the proposed AB Gathering Line to be built by Devon.[1]

Devon states that it entered into a contract on October 6, 1978 with Columbia Gas Transmission Corporation (Columbia) under which Devon would construct and operate 5.11 miles of gathering line to gather gas produced by Devon and Columbia and deliver it to a point on Columbia's existing V 28 8 inch gathering line at Columbia's existing meter No. 244, located in Logan County, West Virginia. Columbia would reimburse Devon for the cost of constructing the line, and the cost of the capital so employed, by paying Devon 30 cents per Mcf for all volumes delivered to Columbia (whether produced by Columbia or Devon) until such time as 110% of the cost expended by Devon (not to exceed 700,000 dollars) has been recouped. Additionally, Columbia would reimburse Devon for the actual cost of operating the line, not to exceed 2 cents per Mcf. After reimbursement Columbia would have the option to purchase the line for a nominal consideration. Volumes produced by Devon would be sold to Columbia at the applicable ceiling rate. Volumes produced by Columbia would be taken into its own system. Devon requests the Commission to clarify what authorization is required to carry out the terms of this contract.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 22, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 applicable in this proceeding (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34060 Filed 12-6-78; 8:45 am]

[1] Devon Corporation is general partner of the Debon-Smedvig 1973 Oil and Gas Program Ltd., a limited partnership, and is operator for Eason Oil Company. Devon Corporation was issued a small producer's certificate in Docket No. CS76-842 and Eason Oil Company was issued a small producer's certificate in Docket No. CS71-631. Devon-Smedvig has applied for a small producer's certificate. "Devon" refers to these three parties collectively.

[6740-02-M]

[Docket No. CP77-582]

EL PASO NATURAL GAS CO.

Petition To Amend

NOVEMBER 27, 1978.

Take notice that on November 1, 1978, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-582 a petition to amend the order issued December 14, 1977 in the instant docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Commission Regulations (18 CFR 157.7(c)) so as to permit the aggregate total project cost limita-

tions for the budget-type construction for miscellaneous rearrangement of facilities during the calendar year 1978, to be increased to an amount not to exceed $400,000, all as more fully set forth in the petition which is on file with the Commission and open for public inspection.

Petitioner states that it projected at the time the initial application was filed in Docket No. CP77-582 that the aggregate cost limitation of $300,000 was adequate to cover all anticipated projects to be performed by it during the calendar year 1978; however, on October 23, 1978, Petitioner had undertaken miscellaneous rearrangement projects during the calendar year 1978 which have committed an estimated $295,719 in costs under the budget-type authorization issued herein. Petitioner further states that it has pending a project which it has been requested to accomplish this year but which would cause Petitioner to exceed the current aggregate cost limitation of $300,000 prescribed by Section 157,7(c); accordingly, Petitioner requests waiver of the provisions to enable it to exceed the $300,000 limitation.

Petitioner asserts it has been advised by St. Mary's Hospital located in Tucson, Arizona, that it has commenced construction of a long term care facility at its existing hospital facility site. It is further asserted that to accommodate the planned expansion of St. Mary's Hospital and provide continuity in the existing construction schedule, it would be necessary for Petitioner, commencing on or about December 1, 1978, to remove approximately 1,100 feet of its existing 10¾-inch O.D. Tucson-Phoenix pipeline serving Tucson Gas and Electric Company (TG&E), a distributor customer of Petitioner, and to relocate and replace such facilities by the construction of approximately 2,070 feet of new 6-⅝-inch O.D. pipeline, with appurtenances, all located in Pima County, Arizona. Petitioner estimates the total cost of removing the existing segment of pipeline and of constructing the replacement pipeline at approximately $68,000, such cost to be reimbursed to Petitioner by St. Mary's Hospital.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34077 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-18]

EL PASO NATURAL GAS CO.

Tariff Filing

NOVEMBER 28, 1978.

Take notice that on November 20, 1978 El Paso Natural Gas Company ("El Paso") tendered for filing Second Revised Sheet No. 1-E and Third Revised Sheet No. 1-I to its FERC Gas Tariff, Original Volume No. 2A.

El Paso states that on September 15, 1978, it tendered for filing certain revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1 which were designed to modify El Paso's Purchased Gas Cost Adjustment Provision ("PGAC") contained in said tariff. Such modifications were made in accordance with El Paso's Stipulation and Agreement dated June 23, 1978, which was approved and adopted by the Commission's letter order dated September 5, 1978, at Docket No. RP78-18.[1] By letter order dated October 10, 1978, the Commission accepted said tariff tender and made the related tariff sheets effective as of the dates requested by El Paso in said filing.

El Paso further states that the modified PGAC provision which was the subject of the aforementioned September 15, 1978, tariff tender applies to all rate schedules contained in El Paso's Original Volume No. 1 Tariff, as well as certain special rate schedules contained in its Third revised Volume No. 2 and Original Volume No. 2A Tariffs. Such modified PGAC provision does not, however, address itself to those special rate schedules contained in El Paso's Volume No. 2A Tariff, which rate schedules contain rates that are based upon the purchased cost of clean, high pressure, pipeline quality gas and are subject to adjustment under the provisions of the Purchased Gas Cost Adjustment Provision—Clean High Pressure gas ("PGAC-CHPG") contained in said Volume No. 2A Tariff.[2] Since the procedures utilized in adjusting rates are similar under both the PGAC and the PGAC-CHPG provisions, El Paso states that the purpose of the subject tender is to effectuate certain modifications in the PGAC-CHPG provision in order to bring that provision into harmony with the general tariff policy approved by the Commission in connection with its approval of the Stipulation and Agreement at Docket No. RP78-18. El Paso further states that such modifications provide that all producer-supplier refunds received by El Paso during the period June 1, 1978, through May 31, 1981, applicable to sales made to El Paso's clean high pressure gas customers will be flowed through to such customers on a cash basis. Such cash refunds will be made concurrently with those refunds, if any, which are distributed to El Paso's jurisdictional customers under rate schedules subject to El Paso's Original Volume No. 1 Tariff PGAC provision pursuant to ARTICLE XVI(i) of the aforementioned Stipulation and Agreement approved at Docket No. RP78-18.

El Paso has requested that the Commission accept the tendered tariff sheets for filing and permit them to become effective thirty (30) days following the date filed.

El Paso states that copies of the filing were served upon each of its affected customers and the Railroad Commission of Texas.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before December 11, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make any 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. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34078 Filed 12-6-78; 8:45 am]

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[1] Such modifications are set forth on the tariff sheets included under Appendix C of said Stipulation and Agreement.

[2] The currently effective special rate schedules which are subject to El Paso's PGAC-CHPG provision are Rate Schedules FS-3, FS-6, FS-7, FS-10 and FS-32.

[6740-02-M]

[Docket No. ES79-12]

GULF STATES UTILITIES CO.

Application

NOVEMBER 28, 1978.

Take notice that on November 14, 1978, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of up to 350,000 shares of New Preferred Stock. Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge, Lousiana and vicinity.

The Applicant proposes to sell the new securities by competitive bidding in accordance with the Commission's Regulations under the Federal Power Act to underwriters who will in turn make a public offering of such stock.

The proceeds from the sale of the new securities will be used to pay off part of the Company's outstanding short-term bank loans previously authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 7, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34079 Filed 12-6-78; 8:45 am]

[6740-02-M]

HENRY GRACE PRODUCTION CO.

[Docket No. RI77-22]

Amended Petition for Special Relief

NOVEMBER 28, 1978.

Take notice that on November 7, 1978, Henry Grace Production Company (Grace) 813 City National Bank Bldg., Wichita Falls, Texas 76301, filed an amended petition for special relief in Docket No. RI77-22, requesting authorization to charge a rate of $0.73 per MMBTU for the sale of gas from the following producing properties: A. R. King and A. R. King D. Leases, Lipscomb County, Texas; and W. J. Godwin Lease, Cimarron County, Oklahoma. The pipeline purchaser is Transwestern Pipeline Company. Originally Grace requested a special relief rate of $1.52 per MMBTU.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34061 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. ES79-15]

ILLINOIS POWER CO.

Application

NOVEMBER 29, 1978.

Take notice that on November 16, 1978, Illinois Power Company, a corporation organized under the laws of the State of Illinois, with its principal business office in Decatur, Illinois, filed an application pursuant to Section 204 of the Federal Power Act, seeking authority to issue up to $125 million unsecured short-term notes and commercial paper, on or before December 31, 1979, and to mature on or before December 31, 1980.

The short-term debt will be added to working capital for ultimate application toward the cost of gross additions to utility properties.

Any person desiring to be heard or to make any protests with reference to said Application 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 the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before December 18, 1978. The Application is on file and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34062 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. RI78-95]

JOSEPH P. MUELLER

Amended Petition for Special Relief

NOVEMBER 28, 1978.

Take notice that on September 15, 1978, Joseph P. Mueller (Petitioner), 1010 Wilson Building, Corpus Christi, Texas 78476, filed a petition for special relief in Docket No. RI78-95 pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76). Petitioner asserts that due to water influx and lower flowing pressures additional two-stage compression is required in order to continue production.

Take further notice that on November 9, 1978, Petitioner filed an amendment to his petition in order to request authorization to charge $0.9806 per Mcf at 14.65 psia for the sale of gas from the Thomas Sainz No. 1 Well and the Isabelle R. Ferrrell "C"-1 Well, Ramirena Field, Live Oak County, Texas to Valley Gas Transmission Company, rather than the 101.21¢ per Mcf as earlier requested.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34063 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket Nos. E-9469 and ER76-377]

LOCKHART POWER CO.

Extension of Time

NOVEMBER 28, 1978.

On November 21, 1978, Lockhart Power Company filed a request for an extension of time to submit the revised cost study and related rates in accordance with the terms of Opinion No. 29, issued in this proceeding on September 22, 1978. Lockhart states that the additional time is needed because of the Company's limited technical staff.

Upon consideration, notice is hereby given that an extension of time is granted to and including December 1, 1978, for complying with Ordering Paragraph (B) of Opinion No. 29.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34064 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-61]

LONE STAR GAS CO.

Application

NOVEMBER 28, 1978.

Take notice that on November 7, 1978, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP79-61 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the calendar year 1979, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open for public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction, relocation, and operation and abandonment of facilities which will not result in changing Applicant's system saleable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment of facilities would not exceed $1,300,000 with no single project exceeding $325,000. Applicant states that it would finance such cost from working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34080 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-65]

LONE STAR GATHERING CO.

Application

NOVEMBER 28, 1978.

Take notice that on November 7, 1978, Lone Star Gathering Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP79-65 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.5(c)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1979, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material changes in the service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $100,000, which cost Applicant would finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34081 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. E-8615]

LOUISIANA POWER & LIGHT CO.

Refund Report

NOVEMBER 24, 1978.

Take notice that Louisiana Power & Light Company on November 3, 1978, tendered for filing in compliance with Commission Opinion Nos. 813 and 813-A a report containing the monthly billing determinants and revenues under prior, present and adjudicated rates, monthly adjudicated rate increase, monthly rate refund and monthly interest computation for the period September, 1974 through August, 1978. Louisiana Power indicates that refunds in the amount of $3,994,224.57 were delivered to Cajun Electric Power Cooperative, Inc. on October 25, 1978.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before December 4, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-34082 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-71]

MISSOURI POWER & LIGHT CO.

Filing of Amendment to Facility Use and Operating Agreement

NOVEMBER 29, 1978.

Take notice that on November 20, 1978, Missouri Power & Light Company (MPL) tendered for filing an Amendment and revised Appendix "E" to the Facility Use and Operating Agreement dated May 23, 1975 between MPL and Missouri Edison Company (MoEd). Said documents reflect added substation investment by MPL and the subsequent increase in rental charges MPL receives from MoEd, according to MPL.

MPL requests an effective date of January 1, 1979.

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 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34065 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. ES79-11]

MISSOURI POWER & LIGHT CO.

Application

NOVEMBER 29, 1978.

Take notice that on November 13, 1978, Missouri Power & Light Company, a corporation organized under the laws of the State of Missouri, with its principal business office in Jefferson City, Missouri, filed an application pursuant to Section 204 of the Federal Power Act, seeking authority to issue up to $12 million unsecured short-term notes, on or before September 30, 1979, with final maturities not later than December 31, 1979.

The short-term debt will be used to finance construction costs pending permanent financing.

Any person desiring to be heard or to make any protests with reference to said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1978. The Application is on file and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34066 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. ER78-279]

NIAGARA MOHAWK POWER CORP.

Order Setting Procedural Date

NOVEMBER 27, 1978.

On June 23, 1978, the Commission issued in this docket an Order Accepting Filing, Suspending Proposed Rates, Granting Waiver and Instituting Investigation. The subject of this docket and of the order is a filing by Niagara Mohawk Power Corporation of a Capability Sales Agreement between it and Central Hudson Gas & Electric Corporation (Central Hudson).

In our order of June 23, 1978, we pointed out that the only intervenor in this docket, Central Hudson, supports the filing, and specifically the 8 percent floor on Niagara Mohawk's rate of return. However, Central Hudson's position in support of the 8 percent floor is stated as based upon its having negotiated a similar floor in its contract for providing transmission service to Niagara Mohawk, which was the subject of Docket No. ER78-220. However, we have rejected the floor in Docket No. ER78-220 as not just and reasonable upon considerations not applicable to the floor in this docket and we shall not reinstate the former floor, as requested by Central Hudson in its petition to intervene in this docket. Since our action in Docket No. ER78-220 has overturned the negotiated symmetry of the rate of return floors of the parties, we are scheduling a prehearing settlement conference for the parties, including Staff, to explore means by which compensation adjustments may be made, if necessary, to the rate of return provisions of the filing in this docket.

In our order of June 23, 1978, we postponed setting any procedural events in this docket, which we now are prepared to set, as follows.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, Particularly Sections 205, 206, 301, 308 and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and to the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rate change proposed by Niagara Mohawk Power Corporation in this proceeding.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, shall preside at a prehearing conference in this proceeding to be held within thirty (30) days after the date of issuance of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate and sever, and motions to dismiss) as provided for in the Com-

mission's Rules of Practice and Procedure.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-34083 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Proposed Changes in FERC Gas Tariff

NOVEMBER 28, 1978.

Take notice that North Penn Gas Company (North Penn) on November 16, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective November 1, 1978.

The rates contained in Third Substitute Fifty-Eighth Revised Sheet No. PGA-1 reflect a decrease of 0.012¢ per Mcf from the rates contained in Second Substitute Fifty-Eighth Revised Sheet No. PGA-1 filed on October 30, 1978 for effectiveness November 1, 1978.

Third Substitute Fifty-Eighth Revised Sheet No. PGA-1 contains the same changes reflected in Second Substitute Fifty-Eighth Revised Sheet No. PGA-1 and additionally reflects the decrease in rates filed by Consolidated Gas Supply Corporation (Congas) on October 30, 1978 for effectiveness November 1, 1978.

Additionally, North Penn submits for filing Substitute Fifty-Ninth Revised Sheet No. PGA-1 for effectiveness December 1, 1978.

Substitute Fifty-Ninth Revised Sheet No. PGA-1 reflects the surcharge credit contained in Fifty-Ninth Revised Sheet No. PGA-1 filed October 31, 1978 and additionally reflects the increase in rates filed by Congas on November 1, 1978 for effectiveness December 1, 1978.

North Penn requests a waiver of any of the Commission's Rules and Regulations as may be required to permit the revised tariff sheets to become effective as proposed.

Copies of this filing were served upon North Penn's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34084 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-72]

OHIO EDISON CO.

Filing

NOVEMBER 29, 1978.

Take notice that Ohio Edison Company on November 20, 1978, tendered for filing a proposed change in its FERC electric service tariff FERC No. 66, an Amendment No. 2 to the Interconnection Agreement between the Dayton Power and Light Company and Ohio Edison Company. The reason for the amendment is to reflect a change in transmission line routings and thus in delivery points and responsibilities for facilities, according to Ohio Edison.

A copy of the filing was served upon the Dayton Power and Light Company with whom the new agreement has been reached.

Any person desiring to be heard or to protest said application should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before December 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file at the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34085 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket Nos. RP72-115 and R-406]

OKLAHOMA NATURAL GAS GATHERING CORP.

Filing of Revised Tariff Sheets

NOVEMBER 29, 1978.

Take notice that on November 13, 1978, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing the following tariff sheets:

Second Revised Sheet No. 58
Fourth Revised Sheet No. 59
Second Revised Sheet No. 60
Second Revised Sheet No. 61
Second Revised Sheet No. 62
Second Revised Sheet No. 63

Gathering Corporation states that said tariff sheets will become effective on January 1, 1979, and revise its Purchased Gas Cost Adjustment clause to include a provision for carrying charges on balances accumulated in its Unrecovered Purchased Gas Adjustment Clause are changed from January 1 and July 1 to April 1 and October 1, respectively. Gathering Corporation also states that this filing is made pursuant to and in compliance with Commission Order No. 13, issued October 18, 1978. Gathering Corporation further states that in order to avoid two PGA filings in a three-month period, it proposes to postpone its PGA filing, which would have been effective on January 1, 1979, and make a later filing to become effective on the new determination date of April 1, 1979.

Gathering Corporation states that copies of this filing were served upon all its jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1978. Protests will be considered by the Commission in determing 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34086 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-68]

ORANGE & ROCKLAND UTILITIES, INC.

Filing

NOVEMBER 29, 1978.

Take notice that Orange & Rockland Utilities (O&R) on November 17, 1978, tendered for filing as a change in a filed rate schedule an agreement between O&R and Consolidated Edison Company of New York (ConEd) providing for the exchange of electric generating capability between O&R and ConEd and for associated energy transactions during the period October 29, 1978-April 21, 1979.

O&R requests waiver of the Commission's notice requirements to permit the agreement to become effective as of October 29, 1978, and to permit Rate Schedule No. 36, as amended, to terminate as of October 24, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34087 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. CP77-479]

PANHANDLE EASTERN PIPE LINE CO. AND TRUNKLINE GAS CO.

Petition To Amend

NOVEMBER 28, 1978.

Take notice that on November 1, 1978, Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), P.O. BOX 1642, Houston, Texas 77001 (Petitioners) filed in Docket No. CP77-479 a joint petition to amend the Commission's order issued on December 16, 1977 in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the changes in the transportation service rendered to Libbey-Owens-Ford Company (LOF), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Petitioners assert that the Commission order of December 16, 1977, authorized them to transport certain quantities of gas produced from reserves in the Fritzlen Field, in Woods County, Oklahoma, in accordance with a transportation agreement dated March 31, 1977; that is, 1,300 Mcf per day on a firm basis and 1,200 Mcf per day on a best efforts basis. The natural gas transported on a firm and best efforts basis is delivered by Panhandle and Trunkline to Transcontinental Gas Pipe Line Corporation, Northern Natural Gas Company, and Columbia Gas Transmission Corporation for the account of LOF and for redelivery to LOF, it is said.

Petitioners further assert that the transportation agreement also provides for Panhandle to deliver 500 Mcf per day on a firm basis to Transwestern Pipeline Company (Transwestern). Authorization for this service, however, has never been sought, nor is such service contemplated in the foreseeable future and, accordingly, Panhandle, Trunkline and LOF have amended the transportation agreement by an instrument dated September 11, 1978, which, among other things, deleted the point of redelivery to Transwestern in Hansford County, Texas, it is stated. It also reduces the firm transportation volume from 1,800 Mcf per day to 1,300 Mcf per day and increases the best efforts volume from 1,200 Mcf per day to 1,700 Mcf per day the petition states further.

Petitioners assert that the Commission order issued December 16, 1977, requires that the firm monthly charge to LOF be reduced by the proposed charge for the delivery of gas to Transwestern and, therefore, by way of conformity with this requirement, the September 11, 1978 amendment to the transportation agreement provides for the reduction of the monthly charge for the service from $7,650 to $6,136. It is further stated that the amendment provides for additional changes to bring the agreement into full harmony with that requirement and to reflect the actual charges since the commencement of the service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34088 Filed 12-6-78; 8:45 am]

[6740-02-M]

SHELL OIL CO.

[Docket No. CI79-114]

Limited-Term Certificate application

NOVEMBER 21, 1978.

Take notice that on November 3, 1978, Shell Oil company (Shell) P. O. Box 2099, Houston, Texas 77001, filed in Docket No. CI79-114 an application for a limited-term certificate of public convenience and necessity with pregranted abandonment authority requesting that Applicant be authorized to sell in interstate commerce, for resale, natural gas produced by Applicant from Mississippi Canyon Block 311 Field, Offshore Louisiana to Southern Natural Gas Company, pursuant to the provisions of Section 7 of the Natural Gas Act, as amended, and § 2.70 of the Commission's rules of practice and procedure.

Applicant states that it is seeking a limited-term certificate of public convenience and necessity for a term from the date of initial delivery of gas to Southern at their facilities in West Delta Block 133 until such time as both Shell and Southern are prepared to deliver and receive the subject gas at the Mississippi Canyon Block 311 Platform "A" facility, or until such time as Shell no longer has the capacity to gather gas to West Delta Block 133 through its crude oil pipeline whichever is earlier.

Any person desiring to be heard or to make any protest with reference to said application, on or before December 13, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties

to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-34067 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No: ER79-75]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Interruptible Transmission Service Agreement

NOVEMBER 29, 1978.

Take notice that on November 20, 1978, Southern California Edison Company (Edison) tendered for filing an interruptible transmission service agreement, dated November 9, 1978, with the City of Anaheim providing for the transmission by Edison on an interruptible basis of power purchased by Anaheim from Nevada Power Company on a non-firm basis. Edison indicates that the power will be delivered by the Department of Water and Power of the City of Los Angeles (DWP) to the Victorville-Lugo Point of Interconnection. Edison will provide interruptible transmission service under said agreement from the Victorville-Lugo Point of Interconnection to Anaheim's Point of Delivery at the City of Anaheim. Edision states that it will charge Riverside as specified in the Agreement for transmission, dispatching, and scheduling services, and for losses between the Point of Interconnection with DWP and with the Anaheim Point of Delivery.

Edison and Anaheim request that service be initiated as soon as possible under this Agreement, and for that reasons Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective at the time of acceptance of filing but in no event later than the appropriate number of days.

Copies of this filing were served upon the City of Anaheim California, and the Public Utilities Commission of the State of California, according to Edison.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not service to amek protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34089 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-36]

SOUTHERN NATURAL GAS CO.

Certification of Settlement

NOVEMBER 29, 1978.

Take notice that on November 9, 1978, Presiding Administrative Law Judge Samuel Kanell certified to the Commission a proposed Stipulation and Agreement in this proceeding. The settlement, if approved, would resolve all issues in the proceeding save for rate design, cost allocation, cost classification, rate zone, consolidated tax and certain cost-of-service issues related to Southern Energy Corporation.

Any person desiring to be heard or to protest the proposed settlement agreement should file comment with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 12, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34068 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket Nos. CI76-578, et al.]

SOUTHERN UNION EXPLORATION CO. (FORMERLY SOUTHERN UNION SUPPLY CO.)

Corporate Name Change

NOVEMBER 27, 1978.

Notice is hereby given that all certificates, rate schedules and pending applications and proceedings listed below are redesignated to reflect the corporate name change from Southern Union Supply Company to Southern Union Exploration Company, effective March 31, 1978.

FERC Gas Rate Schedule No. 1: Docket No. CI77-428
FERC Gas Rate Schedule No. 2: Docket No. CI77-489
FERC Gas Rate Schedule No. 3: Docket No. CI76-578
FERC Gas Rate Schedule No. 4: Docket No. CI76-579
FERC Gas Rate Schedule No. 5: Docket No. CI77-677

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34090 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-55]

TRANSWESTERN PIPELINE CO.

Application

NOVEMBER 28, 1978.

Take notice that on November 6, 1978, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-55 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing January 1, 1979, and operation of facilities to enable it to take into its certificated main pipeline system natural gas which would be purchased or received from producers or other similar sellers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $8,600,000 and the cost of an

single project would not exceed $1,500,000, and further states that these facilities would be initially financed utilizing existing corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 if 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34091 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket Nos. RP74-89 and RP73-35 (AP76-1)]

TRUNKLINE GAS CO.

Extension of Time

NOVEMBER 28, 1978.

On November 6, 1978, Trunkline Gas Company filed a request for an extension of time to make refunds required by Opinion No. 22, issued in this proceeding on August 15, 1978. Trunkline has filed for rehearing of Opinion No. 22 and the Commission has not yet issued a final order on rehearing.

Upon consideration, notice is hereby given that an extension of time for complying with Ordering Paragraph (E) of Opinion No. 22, is granted to and including 30 days from the issuance of the Commission's order on Trunkline's rehearing application unless otherwise ordered by the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34069 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-68]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheets

NOVEMBER 24, 1978.

Take notice that on November 14, 1978, United Gas Pipe Line Company (United) filed with the Federal Energy Regulatory Commission (Commission) as a part of its FERC Gas Tariff, the following revised tariff sheets:

First Revised Volume No. 1

Twelfth Revised Sheet No. 3
Forty-Sixth Revised Sheet No. 4
Eleventh Revised Sheet No. 5
Nineteenth Revised Sheet No. 21
Sixteenth Revised Sheet N. 99
Ninth Revised Sheet No. 99-A

Original Volume No. 2

Eighth Revised Sheet No. 187
Sixth Revised Sheet No. 226
Seventh Revised Sheet No. 289-A
Second Revised Sheet No. 397
Second Revised Sheet No. 401
Second Revised Sheet No. 407
Fourth Revised Sheet No. 448
Fourth Revised Sheet No. 559
Fourth Revised Sheet No. 574
Third Revised Sheet No. 593
Third Revised Sheet No. 609
Third Revised Sheet No. 625
Second Revised Sheet No. 651
Second Revised Sheet No. 668
Third Revised Sheet No. 685
Second Revised Sheet No. 732
Second Revised Sheet No. 753
Second Revised Sheet No. 771
First Revised Sheet No. 833
First Revised Sheet No. 849
First Revised Sheet No. 865
First Revised Sheet No. 881
Second Revised Sheet No. 909
First Revised Sheet No. 926
Third Revised Sheet No. 957
First Revised Sheet No. 993
First Revised Sheet No. 1018
First Revised Sheet No. 1055
First Revised Sheet No. 1072
First Revised Sheet No. 1073
First Revised Sheet No. 1090
First Revised Sheet No. 1156
First Revised Sheet No. 1173
First Revised Sheet No. 1196

Forty-Sixth Revised Sheet No. 4 reflects the elimination of all cost associated with facilities not in service at October 31, 1978, the anticipated advance payment balance at November 30, 1978 and includes the purchased gas cost and surcharge adjustment as filed in United's PGA on May 24, 1978 to be effective July 1, 1978.

Copies of the revised tariff sheets are being mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing shall 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 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB
Secretary.

[FR Doc. 78-34092 Filed 12-6-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-64]

UPPER PENINSULA GENERATING CO.

Filing

NOVEMBER 29, 1978.

Take notice that on November 17, 1978, Upper Peninsula Generating Company (Upper Peninsula) filed the 1978 Power Contract which is intended to supersede and replace the 1974 Power Contract and various supplements thereto. Upper Peninsula states that the 1978 Power Contract will govern the sale of power and energy by Upper Peninsula to Upper Peninsula Power Company (Power Company) and to Cliffs Electric Service Company (Service Co.) from the nine units owned by Upper Peninsula at its Presque Isle station. Upper Peninsula further states that the 1978 Power Contract provides for a rearrangement in the entitlements of Power Company and Service Co. in the various units owned by Upper Peninsula.

Upper Peninsula requests that the filing be permitted to become effective on January 1, 1979, and therefore requests waiver of the Commission's notice requirements.

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 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-34070 Filed 12-6-78; 8:45 am]

[6450-01-M]

Office of Hearings and Appeals

NOTICE OF CASES FILED

Week of November 17, 1978, Through November 24, 1978

Notice is hereby given that during the week of November 17, 1978 through November 24, 1978 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 29461.

Dated: November 30, 1978.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Nov. 17 through Nov. 24, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 17, 1978	O'Meara Bros., New Orleans, La.	DEE-2021	Price exception (sec. 212.73). If granted: O'Meara Bros. would be permitted to sell crude oil produced from the Vinton Production Co. located in Lake Charles, at upper tier ceiling prices.
Nov. 20, 1978	No. 2 Home Heating Oil, Washington, D.C.	DEX-0123	Supplemental order. If granted: The Office of Hearings and Appeals publishes its decision and recommendation to the Deputy Secretary for the DOE and to the Administrator of the Economic Reegulatory Administration regarding the need for further regulatory action with respect to No. 2 (Home) Heating Oil.
Do	Phillips Petroleum Co., Bartlesville, Okla.	DXE-2019 and DXE-2020.	Extension of relief granted in *Phillips Petroleum Company*, 2 DOE Par. —— (1978). If granted: Phillips Petroleum Co. would be permitted to sell the crude oil produced from Holder "B" lease and Yount "B" lease, located in Oklahoma County, Okla. at upper tier ceiling prices.
Do	Salem Oil Co., Lincoln, Nebr.	DEE-2018	Exception to the reporting requirements. If granted: Salem Oil Co. would no longer be required to submit form EIA 9 (No. 2 Heating Oil Supply/Price Monitoring Report).
Nov. 21, 1978	Belridge Oil Co., Los Angeles, Calif.	DXE-2025	Extension of relief granted in *Belridge Oil Company*, case No. DXE-1273 (decided on Aug. 8, 1978) (unreported decision). If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Kern County plant.
Do	City of Long Beach, Calif.	DXE-2023	Extension of relief granted in *City of Long Beach*, 2 DOE par. 81,008 (June 23, 1978). If granted: The city of Long Beach, Calif., would be permitted to sell the crude oil produced from the Fault block II unit, Wilmington oil field, Los Angeles County, Calif., at upper tier ceiling prices.
Do	Coastal States Gas Corp., Houston, Tex.	DRD-0015 and DRH-0113.	Motion for evidentiary hearing and motion for discovery. If granted: Discovery and an evidentiary hearing would be permitted in connection with Coastal States Gas Corp.'s statement of objections to a proposed remedial order (case No. DRO-0113).
Do	Crystal Oil Co., Shreveport, La.	DEA-0253	Appeal of the April and August 1978 entitlement notices. If granted: The April and August 1978 entitlement notices would be modified with respect to Crystal Oil Co.'s classification of crude oil purchased from Permian Corp.
Do	Sanford P. Fagadau, Dallas, Tex.	DXE-2026	Extension of relief granted in *Sanford P. Fagadau* case No. DXE-1120 (decided on Aug. 8, 1978) (unreported decision). If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Bluegrove plant.
Do	Gulf Oil Corp., Tulsa, Okla.	DXE-2024	Extension of relief granted in *Gulf Oil Corporation*, 2 DOE Par. —— (Nov. 11, 1978). If granted: Gulf Oil Corp. would be permitted to sell the crude oil produced from the NW Graylin "D" Sand unit located in Logan County, Colo., at upper tier ceiling prices.
Do	Research Enterprises, Inc., New Orleans, La.	DRH-0122	Request for evidentiary hearing. If granted: Evidentiary hearing would be convened with respect to objections submitted to Research Enterprises, Inc. regarding the proposed remedial order issued to the firm.
Do	Union Oil Co. of California, Los Angeles, Calif.	DEE-2022	Price exception (sec. 212.73). If granted: Union Oil Co. would be permitted to sell the crude oil produced from the Coalinga Nose field unit located in Fresno County, Calif., at upper tier ceiling prices.
Nov. 22, 1978	Bock & Bacon, Houston, Tex.	DXE-2027	Extension of relief granted in *Bock and Bacon*, 2 DOE par. —— (Nov. 7, 1978). If granted: Bock & Bacon would be permitted to sell the crude oil produced from the Champion Paper lease located in Newton County, Tex., at upper tier ceiling prices.
Do	Lehigh Oil Co., Norwich, Conn.	DEE-2031	Exception to change supplier. If granted: Lehigh Oil Co. would receive a new base period supplier of gasoline to replace its present supplier, Coastal States Marketing, Inc.
Do	Marathon Oil Co., Cleveland, Ohio	DFA-0254	Appeal of information requests denials. If granted: The DOE's October 20, 1978 information request denials would be rescinded and Marathon Oil Co. would receive access to certain DOE documents.
Do	Quincy Oil, Inc., Boston, Mass.	DMR-0036	Request for modification. If granted: The DOE's October 27, 1978 interlocutory order on motions for an evidentiary hearing would be modified to broaden the scope of the hearing.
Nov. 24, 1978	Swann Oil, Inc., Bala Cynwyd, Pa.	DPI-0027	Exception to base fee requirements. If granted: Swann Oil Co. would be permitted to import residual fuel oil on a fee-exempt basis during the current allocation period, May 1, 1978 through Apr. 30, 1979.

List of Cases Received by the Office of Hearings and Appeals—Continued

Notices of Objection Received

Date	Name and location of applicant	Case No.
Nov. 17, 1978	Commonwealth Oil Refining Co., Inc., San Antonio, Tex	DEE-1022
Nov. 20, 1978	Old Dominion State Gift Shop, Oak Hall, Va	DEO-0145
Nov. 17, 1978	Hughes & Hughes Oil & Gas, Washington, D.C	FEE-4450

Proposed Remedial Orders

Nov. 21, 1978	Argo Petroleum Corp., Houston, Tex	DRO-0146
Nov. 22, 1978	Bray Oil Co. Burlington, Vt	DRO-0147

[FR Doc. 78-34179 Filed 12-6-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1153]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULEMAKING PROCEEDINGS FILED

DECEMBER 1, 1978.

Docket or RM No.	Rule No.	Subject	Date received
CT 78-206	Pt. 76	Amendment of pt. 76 of the Commission's rules relating to the cable television certificate of compliance process.	
		Filed by Wilhelmina Reuben Cooke & Edward J. Kuhlmann, attorneys for the legislative committee of the Philadelphia Community Cable Coalition, et al.	Nov. 13, 1978.
		Filed by Erwin G. Krasnow and James J. Popham, attorneys for National Association of Broadcasters.	Nov. 17, 1978.
		Filed by Michael S. Horne and Jane H. Chalmers, attorneys for KOB-TV, et al.	Nov. 20, 1978.
21039	Pt. 21	Amendment of pt. 21 of the rules to reflect the availability of land mobile channels in the 470-512 MHz band in 13 urbanized areas of the United States.	
		Filed by Louis Schwartz, Robert A. Woods and Lawrence M. Miller, attorneys for Metropolitan RCC Corp.	Nov. 24, 1978.

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-34154 Filed 12-6-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1628]

JOHN J. KLINGMAN

Order of Revocation

On November 29, 1978, John J. Klingman, Post Office Box 308, Church Street Station, New York, New York 10008, voluntarily surrendered his Independent Ocean Freight Forwarder License No. 1628 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977:

It is ordered, That Independent Ocean Freight Forwarder License No. 1628 issued to John J. Klingman, be and is hereby revoked effective November 29, 1978, without prejudice to

reapplication for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon John J. Klingman.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-34161 Filed 12-6-78; 8:45 am]

[6730-01-M]

[Independent Ocean Freight Forwarder License No. 1355]

STOWE & TEIBEL, INC.

Order of Revocation

On October 26, 1978, Stowe & Tiebel Inc., 217 South King Street, Suite 306, Honolulu, Hawaii 96812, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1355.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1355 issued to Stowe & Teibel Inc. be and is hereby revoked effective October 26, 1978 without prejudice to reapplication for a license in the future.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1355 issued to Stowe & Teibel Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Stowe & Teibel Inc.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-34162 Filed 12-6-78; 8:45 am]

[6730-0-M]

[Independent Ocean Freight Forwarder License No. 2005]

ULTRAMAR EXPRESS

Order of Revocation

On November 20, 1978, Ultramar Express, Carmen Juste d/b/a, 2007 SW 17th Avenue, Miama, Florida 33145, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2050.

Therefore by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977:

It is ordered, That Independent Ocean Freight Forwarder License No. 2050 issued to Ultramar Express, Carmen Juste d/b/a, be and is hereby revoked effective November 20, 1978, without prejudice to reapplication for a license in the future.

It is further ordered, That Independent Ocean Freight Forwarder License No. 2050, issued to Ultramar Express, Carmen Juste d/b/a, be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Ultramar Express, Carmen Juste d/b/a/.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-34163 Filed 12-6-78; 8:45 am]

[6210-10-M]

FEDERAL RESERVE SYSTEM

CLAYTON BANCSHARES, INC.

Formation of Bank Holding Company

Clayton Bancshares, Inc. Clayton, Illinois, 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 82.6 per cent (less directors' qualifying shares) of the voting shares of Clayton State Bank, Clayton, Illinois. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than 26 days of the date of this notice. Any comment on an application that requests a hearing must be to the Secretary's Office and 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, November 30, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-34097 Filed 12-6-78; 8:45 am]

[6210-01-M]

METROPOLITAN BANCORPORATION

Formation of Bank Holding Company

Metropolitan Bancorporation, Tampa, Florida, 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 90 per cent or more of the voting shares of Metropolitan Bank and Trust Company, Tampa, Florida and 80 per cent or more of the voting shares of Bank of Holiday, Holiday, Florida. 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 Atlanta. 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 1, 1979. Any comment on an application that requests a hearing must be sent to the Secretary's Office within 30 days of the date of this notice and 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 1, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-34098 Filed 12-6-78; 8:45 am]

[6210-01-M]

NATIONAL WESTMINSTER BANK, LIMITED AND NATWEST HOLDINGS, INC.

Formation of Bank Holding Company

National Westminster Bank, Limited, London, England, and Natwest Holdings, Inc., Wilmington, Delaware, have 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 bank holding companies by acquiring directly or indirectly 75.1 percent of the voting shares of National Bank of North America, Jamaica, New York. 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)).

National Westminster Bank, Limited, London, England, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain its indirect interest in C.F. International, Inc., New York, New York. Notice of the application was published on November 10, 1978, in *The New York Times*, a newspaper circulated in New York, New York.

Applicant states that the proposed subsidiary would continue to engage in the activity of factoring principally in connection with the import and export of goods to and from the United States. Such activity has been speci-

fied by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 30, 1978.

Board of Governors of the Federal Reserve System, November 30, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-34099 Filed 12-6-78; 8:45 am]

[6210-01-M]

ORMSBY BANCSHARES, INC.

Formation of Bank Holding Company

Ormsby Bancshares, Inc., Ormsby, Minnesota, 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 86 percent of the voting shares of Ormsby State Bank, Ormsby, Minnesota. 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 Reseve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than 26 days of the date of this notice. Any comment on an application that requests a hearing must be sent to the Secretary's Office and 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 1, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-34100 Filed 12-6-78; 8:45 am]

[6210-01-M]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of October 17, 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 October 17, 1978.[1]

The information reviewed at this meeting suggests that real output of goods and services grew moderately in the third quarter, although the pace was somewhat below the average for the first two quarters of the year. In September, as in August, the dollar value of total retail sales rose considerably. Industrial production continued to expand while nonfarm payroll employment changed little. The unemployment rate edged up from 5.9 to 6.0 per cent. Average producer prices of finished goods rose substantially in September, as prices of foods increased sharply after having declined for 2 months. 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.

The trade-weighted value of the dollar against major foreign currencies has declined further since Mid-September in frequently volatile exchange markets. The U.S. trade deficit fell sharply in August, reversing the jump recorded in July; for the 2 months the deficit was close to the rate for the second quarter.

Growth in M-1, which had been rapid in August, accelerated in September. Inflows of the interest-bearing deposits included in M-2 and M-3 remained strong, and expansion in the broader aggregates also accelerated somewhat. Short-term market interest rates have risen further in recent weeks; long-term rates also have increased, but they remain below their July peaks. An increase in Federal Reserve discount rates from 7¾ to 8 per cent was announced on September 22; another increase to 8½ per cent was announced on October 13.

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 sustainable pattern of international transactions. 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 developing conditions in domestic and international financial markets more generally and to uncertainties associated with the introduction of ATS. Early in the period before the next regular meeting, System open market operations shall 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 8¾ to 9¼ per cent. In deciding on the specific objective for the Federal funds rate the Manager shall be guided mainly by a range of tolerance for growth in M-2 over the October-November period of 5½ to 9½ per cent, provided that growth of M-1 over that period does not exceed an annual rate of 6½ per cent.

NOTE.—On November 1, 1978, the domestic policy directive adopted at the meeting of October 17, 1978 was modified by raising the range for the Federal funds rate to 9½ to 9¾ per cent and by instructing the Manager, in deciding on the specific objective for the rate within that range, to be guided by developing conditions in domestic and international financial markets.

By order of the Federal Open Market Committee, November 28, 1978.

MURRAY ALTMANN,
Secretary.

[FR Doc. 78-34101 Filed 12-6-78; 8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of October 17, 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.

[6330-01-M]

THE COMMISSION OF FINE ARTS

APPEARANCE OF WASHINGTON

Meeting

The Commission of Fine Arts will meet in open session on Wednesday, December 20, 1978, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral

statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., December 1, 1978.

CHARLES H. ATHERTON,
Secretary.

[FR Doc. 78-33726 Filed 12-6-78; 8:45 am]

[6820-27-M]

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

RECORDS EQUIPMENT AND SUPPLIES

New Federal Stationery Size Standard—8.5 by 11 Inches

AGENCY: National Archives and Records Service, General Service Administration.

ACTION: Notice.

SUMMARY: The National Archives and Records Service (NARS) proposes to revise Federal Property Management Regulation 101-11.603-2 to change the standard size of Federal stationery from 8 by 10.5 to 8.5 by 11 inches, effective January 1, 1980. The change is based upon a unanimous decision of the Congressional Joint Committee on Printing. NARS will issue written guidance to help Executive agencies make an orderly and economical conversion to the new size by depleting current stock and phasing in the use of the new.

FOR FURTHER INFORMATION CONTACT:

Richard P. Stephenson, Chief, Correspondence Management Branch, 202-376-8907, mailing address: National Archives and Records Service (NROC), General Services Administation, Washington, DC 20408.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

Dated: November 20, 1978.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc. 78-34200 Filed 12-5-78; 9:26 am]

[4110-92-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES INCLUDING CHILD DAY CARE SERVICES PURSUANT TO TITLE XX OF THE SOCIAL SECURITY ACT

Promulgation for Fiscal Year 1979—Revised

In FR Doc. 77-25158 published in the FEDERAL REGISTER at page 43670 on August 30, 1977, the limitations promulgated to the States were based on the then maximum amount of $2,500,000,000. Pub. L. 95-600, dated November 6, 1978, increased the maximum amount to $2,700,000,000 for the basic title XX program and also provided $200,000,000 for Child Day Care Services. Accordingly, the promulgation contained in such document is rescinded and the promulgation, as revised, is set forth below in its entirety.

Promulgation is made of the Federal allotment for Fiscal Year 1979 for purposes of grants to States under Title XX of the Social Security Act, as amended pursuant to Section 2002(a)(2) (Pub. L. 95-600, dated November 6, 1978) of the Act which provides that the Federal allotment shall be determined and promulgated in accordance with said section.

For Fiscal Year 1979, the allotment limitations are based on the Bureau of the Census population statistics contained in its publication, "Current Population Reports" (Series P-25, No. 646, February 1977) which was the most recent satisfactory data available from the Department of Commerce at the time the original allocations were made for Fiscal Year 1979 as to population of each State and of all States.

It is hereby promulgated, for purposes of grants to States for social services under title XX, that the Federal allotment of each of the 50 States and the District of Columbia for the fiscal year ending September 30, 1979, as determined pursuant to the Act and on the basis of said population data, shall be as set forth below:

State	*Federal allotment*
Total	$2,700,000,000
Alabama	46,108,000
Alaska	4,806,000
Arizona	28,558,000
Arkansas	26,533,000
California	270,736,000
Colorado	32,496,000
Connecticut	39,214,000
Delaware	7,322,000
District of Columbia	8,832,000
Florida	105,942,000
Georgia	62,526,000
Hawaii	11,159,000
Idaho	10,455,000
Illinois	141,268,000
Indiana	66,703,000
Iowa	36,107,000
Kansas	29,061,000
Kentucky	43,127,000
Louisiana	48,322,000
Maine	13,461,000
Maryland	52,134,000
Massachusetts	73,081,000
Michigan	114,534,000
Minnesota	49,882,000
Mississippi	29,615,000
Missouri	60,111,000
Montana	9,473,000
Nebraska	19,538,000
Nevada	7,674,000
New Hampshire	10,341,000
New Jersey	92,292,000
New Mexico	14,694,000
New York	227,509,000
North Carolina	68,804,000
North Dakota	8,089,000
Ohio	133,947,000
Oklahoma	34,798,000
Oregon	29,300,000
Pennsylvania	149,232,000
Rhode Island	11,662,000
South Carolina	35,630,000
South Dakota	8,630,000
Tennessee	53,015,000
Texas	157,094,000
Utah	15,449,000
Vermont	5,989,000
Virginia	63,306,000
Washington	45,441,000
West Virginia	22,909,000
Wisconsin	57,984,000
Wyoming	4,907,000

Dated: December 1, 1978.

State	*Federal allotment*
Total	$200,000,000
Alabama	3,416,000
Alaska	357,000
Arizona	2,116,000
Arkansas	1,966,000
California	20,051,000
Colorado	2,408,000
Connecticut	2,905,000
Delaware	543,000
District of Columbia	654,000
Florida	7,847,000
Georgia	4,632,000
Hawaii	827,000
Idaho	775,000
Illinois	10,463,000
Indiana	4,941,000
Iowa	2,674,000
Kansas	2,153,000
Kentucky	3,195,000
Louisiana	3,580,000
Maine	998,000
Maryland	3,861,000
Massachusetts	5,413,000
Michigan	8,483,000
Minnesota	3,695,000
Mississippi	2,193,000
Missouri	4,453,000
Montana	703,000
Nebraska	1,448,000
Nevada	569,000
New Hampshire	767,000
New Jersey	6,835,000
New Mexico	1,089,000
New York	16,849,000
North Carolina	5,095,000
North Dakota	600,000
Ohio	9,921,000
Oklahoma	2,578,000
Oregon	2,171,000
Pennsylvania	11,053,000
Rhode Island	865,000
South Carolina	2,655,000
South Dakota	640,000
Tennessee	3,927,000
Texas	11,635,000
Utah	1,145,000
Vermont	444,000
Virginia	4,689,000
Washington	3,366,000
West Virginia	1,698,000
Wisconsin	4,295,000
Wyoming	364,000

Dated: December 1, 1978.

ERNEST L. OSBORNE,
Commissioner, Administration for Public Services.

Approved by: December 4, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

[FR Doc. 78-34120 Filed 12-6-78; 8:45 am]

[4110-07-M]

Social Security Administration

COMMISSIONER OF SOCIAL SECURITY

Redelegations of Authorities to the Position of Social Insurance Claims Examiner (Disability) Located in the Guam Branch Officer of the Social Security Administration's Office of Program Operations

Under titles II and XVI of the Social Security Act, as amended (the Act), the Secretary of Health, Education, and Welfare (the Secretary) may make various findings of fact, decisions and determinations affecting the rights of individuals to benefits under these titles of the Act. The Secretary has delegated his authority to perform these functions to the Commissioner of Social Security (the Commissioner), with authority to redelegate (33 FR 5836-37, dated April 16, 1968 and 38 FR 15648, dated June 14, 1973). As appropriate, the Commissioner previously redelegated this authority to various subordinate positions in the Social Security Administration (SSA).

The Northern Mariana Islands, a chain of islands stretching northward from Guam for about 500-600 miles, is one of six administrative areas of the Trust Territory of the Pacific Islands over which the United States was given a trusteeship by the United Nations in 1947. In 1976, President Ford signed the Northern Marianas Covenant, which established a procedure whereby the Northern Mariana Islands would eventually become a United States Commonwealth. On October 24, 1977, President Carter proclaimed that the Constitution of the Northern Mariana Islands and certain provisions of the covenant between the Northern Mariana Islands and the United States would go into effect on January 9, 1978. Pursuant to this proclamation, section 502 of the covenant (Pub. L. 94-241), which extends the United States Supplemental Security Income (SSI) program to the Northern Mariana Islands, became effective on January 9, 1978.

I. Notice is hereby given that, to implement section 502 of Pub. L. 94-241 as it pertains to SSI disability and blindness claims filed in the Northern Mariana Islands, the Commissioner has redelegated the following authorities to the position of Social Insurance Claims Examiner (Disability) located in the Guam Branch Office of SSA's Office of Program Operations (hereafter referred to as the Guam Disability Examiner):

A. Pursuant to sections 1602, 1611, 1612, 1613, 1614, 1615, 1616, 1631 and 1633 of the Act, authority to make findings of fact and decisions affecting individuals who are, or claim to be, eligible for payments under the SSI program.

B. Pursuant to sections 1614(a), 1631(a)(4)(B), and 1633 of the Act, authority to make findings of fact and decisions as to the presumption that individuals applying for SSI benefits are disabled or blind, within the meaning of section 1614 of the Act, prior to completion of a formal determination of disability or blindness, and authority to authorize payment for not more than 3-months benefits to such individuals presumptively eligible.

C. Pursuant to sections 1614, 1631, and 1633 of the Act, authority to make Federal findings of fact and decisions regarding the existence, absence, duration or continuation of disability or blindness, as defined in section 1614 of the Act.

D. Pursuant to section 1611(e)(3) of the Act, authority to determine whether individuals eligible for SSI payments, and medically determined to be drug addicts or alcoholics, are complying with the terms and conditions of appropriate available treatment.

E. Pursuant to section 1631(c) of the Act, authority to review initial determinations and render reconsideration determinations in cases involving individuals who are, or claim to be, eligible for SSI payments, and who are in disagreement with determinations under title XVI of the Act. This includes authority to make findings as to whether good cause exists for failure to request reconsideration of an initial determination within 60 days after receiving notice of such determination.

II. Notice is hereby further given that, with respect to claims filed by persons living in the Northern Mariana Islands and entitled to disability insurance benefits under the regular Social Security Disability Insurance program, the Commissioner has redelegated to the Guam Disability Examiner authority, under section 221(g) of the Act, to make Federal determinations of disability, and authority to make findings of fact and decisions relating to periods of disability.

III. Notice is also hereby given that, with respect to social security disability insurance benefit claims adjudicated by the Guam Disability Determination Section, the Commissioner has redelegated to the Guam Disability Examiner authority, under section 221(c) of the Act, to review determinations of disability; to take such action in these cases as is provided in the Act; and, where permitted, to make findings of fact and decisions relating to periods of disability in such cases.

IV. The redelegations described in sections I., II. and III. above shall be effective as of the date that this General Notice thereof is published in the FEDERAL REGISTER. To the extent that any actions taken by the incumbent of the Guam Disability Examiner position, in effect, involve the exercise of any of the authorities redelegated by this document, prior to the date that this notice is published in the FEDERAL REGISTER, such actions are hereby affirmed and ratified, provided they fall within the scope of these redelegations. The subject redelegations do not carry with them the power to make further redelegations.

Dated: November 28, 1978.

STANFORD G. ROSS,
Commissioner of Social Security.

[FR Doc. 78-34128 Filed 12-6-78; 8:45 am]

[4110-02-M]

Office of Education

EMERGENCY SCHOOL AID ACT

Availability of Preimplementation Assistance

Applications are invited for new projects under the Emergency School Aid Act.

Authority for this program is contained in section 708(a)(2) of the Emergency School Aid Act (Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619)).

This program issues awards to local educational agencies (LEAs), State educational agencies (SEAs), and other public agencies and organizations.

The purpose of the awards is to assist LEAs to prepare for the implementation of desegregation plans (or other plans described in section 706(a)(1)(A)(i), (B), or (C) (i) or (ii) of the Act, involving the elimination or reduction of minority group isolation in public elementary and secondary schools) under which children (or, in the case of required plans described in section 706(a)(1)(A), faculty) will be reassigned to schools in the 1979-80 school year. However, applications will not be accepted from agencies or organizations which engaged in the illegal segregation that gave rise to a required plan.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: Applications for awards will be accepted at any time. Applications received after August 30, 1979, which cannot be properly processed by September 30, 1979, will be returned to the applicant.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.532J, Washington, D.C. 20202.

Proof of mailing must consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S.

Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service. (NOTE: The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.) Applicants are encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8:00 a.m. and 4:00 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

PROGRAM INFORMATION: The Commissioner will consider for funding any activity authorized under the Act, so long as the activity is reasonably related to preparation for an LEA's implementation of a qualifying plan. The Assistant Secretary for Education has determined that these activities will make substantial progress in achieving the purposes of the Act.

The Commissioner will consider applications for funding when they are received. In evaluating the merits of an application the Commissioner will apply the criteria in 45 CFR 185.14(b).

An applicant which is not a local education agency should include in its application evidence that the LEA to which the application relates will cooperate in carrying out the proposed activities.

AVAILABLE FUNDS: The Commissioner anticipates that $2,000,000 will be made available for preimplementation grants, and encourages applicants to seek assistance in the amount of $100,000 or less.

PROJECT PERIODS: Awards made pursuant to this notice will be for projects starting no earlier than March 1, 1979, and ending no later than December 31, 1979.

APPLICATION FORMS AND FURTHER INFORMATION: Application forms and any further information may be obtained by contacting David Lerch, U.S. Office of Education, 400 Maryland Avenue, S.W., Room 2017, Washington, D.C. 20202, Telephone 202-245-2465.

APPLICABLE REGULATIONS: The regulations applicable to this program are:

(a) Regulations relating only to assistance under the Emergency School Aid Act (45 CFR Part 185) and, in particular, 45 CFR 185.94-185.94-4; and

(b) The Office of Education general provisions regulations (45 CFR Parts 100, 100a, and Appendixes), except to the extent that these regulations are inconsistent with 45 CFR Part 185.

(20 U.S.C. 1601-1619).

(Catalog of Federal Domestic Assistance Number 13.532. Special Projects-Emergency School Aid.)

Dated: December 1, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-34118 Filed 12-6-78; 8:45 am]

[4310-31-M]

DEPARTMENT OF THE INTERIOR

Geological Survey

KNOWN SODIUM LEASING AREA

Revision

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order 2948, Federal lands within the State of Wyoming have been classified as subject to the competitive sodium leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 261). The name of the area, effective date, and total acreage involved are as follows:

(50) WYOMING

Revised Green River Basin (Wyoming) Known Sodium Leasing Area (KSLA); April 24, 1978; 114,632 acres were added. Total area now classified for leasing is 694,207 acres.

A diagram showing the revised boundaries and acreage has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: November 28, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-34109 Filed 12-6-78; 8:45 am]

[4310-84-M]

Bureau of Land Management

COLORADO 24402 o

R/W Application for Pipeline, Northwest Pipeline Corp.

DECEMBER 1, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 4¼" o.d. natural gas pipeline for the East Douglas Creek Gathering System approximately 0.181 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 2 S., R. 101 W.
Section 35: N½SE¼

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the application. (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering systems to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team
Branch of Adjudication.

[FR Doc. 78-34104 Filed 12-6-78; 8:45 am]

[4310-84-M-]

COLORADO 26176 f

R/W Application for Pipeline

Northwest Pipeline Corp.

DECEMBER 1, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 4¼" o.d. natural gas pipeline for the Rocky Mountain Natural Gas Gathering System approximately 0.745 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, MOFFAT COUNTY, COLO.

T. 9 N., R. 93 W.
Section 8: E½NE¼
Section 9: SW¼NW¼, N½SW¼

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicant's customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands invloved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team
Branch of Adjudication.

[FR Doc. 78-34105 Filed 12-6-78 8:45 am]

[4310-84-M]

[NM 35394, 35395, 35396, 35426, 35427, and 35428]

NEW MEXICO

Applications

NOVEMBER 29, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for ten 4½-inch natural gas pipeline rights-of-way across the following lands:

T. 17 S., R. 27 E.,
Sec. 28, SW¼NW¼.
T. 18 S., R. 29 E.,
Sec. 18, NE¼SW¼.
T. 24 S., R. 31 E.,
Sec. 3, SW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼.
T. 19 S., R. 33 E.,
Sec. 1, E½SE¼;
Sec. 12, E½E½;
Sec. 13, NE¼NE¼.
T. 20 S., R. 33 E.,
Sec. 11, E½NE¼;
Sec. 12, SW¼NW¼ and W½SW¼;
Sec. 13, W½NW¼ and SW¼;
Sec. 24, E½NW¼.
T. 30 S., R. 36 E.,
Sec. 30, SE¼NE¼ and N½SE¼.

These pipelines will convey natural gas across 5.096 miles of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-34108 Filed 12-6-78; 8:45 am]

[4310-84-M]

[OR 19108]

OREGON

Order Providing for Opening of Public Land

NOVEMBER 30, 1978.

1. By Power Site Cancellation No. 296 of June 13, 1974, the U.S. Geological Survey canceled Power Site Classification 382 of July 15, 1947, as to the following described land:

WILLAMETTE MERIDIAN, OREGON

T. 40 S., R. 22 E.,
Sec. 28, NE¼NE¼.

The area described contains 40 acres in Lake County.

2. At 10:00 a.m. on January 10, 1979, the land described above shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 10, 1979, shall be considered to be simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land shall be made immediately available for consummation of a pending Bureau of Land Management exchange, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. The land described above has been and remains open to applications and offers under the mineral leasing laws and to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955, 69 Stat. 682, 30 U.S.C. 621 (1970).

4. The State of Oregon has not exercised the preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

Inquiries concerning this land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-34106 Filed 12-6-78; 8:45 am]

[4310-84-M]

[OR 19056]

OREGON

Opening of Land Subject to Section 24 of the Federal Power Act

NOVEMBER 30, 1978.

Pursuant to Section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970), the determination of the Federal Power Commission in DA-559-Oregon of September 28, 1976, and section 2.5(c) of Bureau Order 701 of July 23, 1964, as amended, it is ordered as follows:

1. In DA-559-Oregon, the Federal Power Commission determined that the power value of the following described land, withdrawn in Power Site Reserve No. 265, will not be injured or destroyed by restoration to location, entry, or selection under appropriate land laws, subject to the provisions of Section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN, OREGON

T. 40 S., R. 22 E.,
Sec. 4, Lot 4;
Sec. 5, Lots 1, 2, and 3, and NW¼SW¼;
Sec. 8, NE¼NW¼.

The area described contains 259.74 acres in Lake County.

2. At 10:00 a.m. on January 10 1979, the public land described below shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the provisions of Section 24 of the Federal Power Act, supra. All valid applications received at or prior to 10:00 a.m. on January 10, 1979, shall be considered to be simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land shall be made immediately available for consummation of a pending Bureau of Land Management exchange, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, and subject to the provisions of Section 24 of the Federal Power Act.

WILLAMETTE MERIDIAN, OREGON

T. 40 S., R. 22 E.,
Sec. 4, Lot 4;
Sec. 5, Lots 1 and 2.

Containing 135.74 acres.

3. At 10:00 a.m. on January 10, 1979, the national forest land described below shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law and the provisions of Section 24 of the Federal Power Act, supra.

WILLAMETTE MERIDIAN, OREGON

FREMONT NATIONAL FOREST

T. 40 S., R. 22 E.,
Sec. 5, Lot 3 and NW¼SW¼;
Sec. 8, NE¼NW¼.

Containing 124 acres.

4. The land described in paragraphs 2 and 3 above has been and remains open to applications and offers under the mineral leasing laws and to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955, 69 Stat. 682, 30 U.S.C. 621 (1970).

5. The State of Oregon has not exercised the preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

Inquiries concerning this land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-34107 Filed 12-6-78; 8:45 am]

[4310-70-M]

National Park Service

SNOWMOBILES

Revision of Management Policy and Public Meetings

AGENCY: National Park Service, Interior.

ACTION: Proposed revision to management policy on snowmobiles and notice of meetings to receive public comment.

FOR FURTHER INFORMATION CONTACT:

Chief, Office of Management Policy, National Park Service, 18th and C Streets NW., Washington, D.C. 20240.

INTRODUCTION: The National Park Service is proposing revisions to its management policy on snowmobiles by clarifying the criteria to be met and the procedures to be followed where this activity may be permitted in National Park System areas.

The National Park Service is interested in obtaining public participation in the formulation of official policy and public understanding of the policy that is adopted. The Bureau has scheduled a series of public meetings to receive comments about the proposed policy as set forth below.

Written and verbal comments will be considered in the further revision and clarification of the National Park Service snowmobile policy. Closing date for submitting comments will be thirty (30) days after the date of the last meeting.

After compilation and review of all comments received, the National Park Service may further revise its snowmobile policy. The intent is to have a revised policy on or about May 1, 1979, to be implemented in all respects at the beginning of the next winter season.

Purpose: The purposes of this notice are to (1) inform the public of the snowmobile policy under discussion; (2) provide for public comment on the proposed policy; and (3) announce the schedule of public meeting dates, times and locations.

Statement of policy: The following proposed policy statement will be the basis for comment and discussion:

Snowmobiles: In the coterminous United States, snowmobiles may be permitted in units of the National Park System as a mode of transportation to provide the opportunity for visitors to see, sense, and enjoy the special qualities or features of the park in winter. Snowmobiling shall be consistent with the park's purpose and objectives, applicable laws, executive orders, regulations, and Departmental policy. It shall not be permitted where it will adversely affect the park's natural, cultural, scenic, or aesthetic values, disturb the wildlife or damage other park resources, cause safety hazards, or conflict with other visitor uses.

Where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Exceptions must be approved by the Director.

Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the CFR (Title 36, Section 7). Implementation of this policy shall be covered in the General Management Plan for each park area where snowmobiles are used.

Remarks: The National Park Service is proposing revision of the snowmobile policy in order to:

1. clarify it by restating the intent of Executive Order 11644, "Use of Off-Road Vehicles on the Public Lands," as amended by Executive Order 11989; and

2. use the term, route, to refer only to land surfaces, and add the term, water surfaces, to apply to snowmobile use on designated lakes and rivers.

Routes and water surfaces within those parks that permit snowmobiling will be listed and described as special regulations in the Code of Federal Regulations. These special regulations must be approved by the Director of the National Park Service, as must any exception to this policy.

There are three exceptions to the current snowmobile policy which would continue under the proposed policy: Acadia National Park and Delaware Water Gap National Recreation Area where designated routes are established on maintained roadways not open to motorized vehicles, and Grand Teton National Park where snowmobile use is permitted in the Potholes Area.

Public meetings schedule: Public meetings will be held on the following schedule:

Acadia National Park, ME; Visitor Center Auditorium, Bar Harbor, ME; January 15, 1979; at 7:30 p.m.

Billings, MT; Holiday Inn of Billings-West, I-90 and Mullowney Lane, Billings, MT; January 25, 1979; at 7:00 p.m.

Denver, CO; Holiday Inn of Denver-West, 14707 W. Colfax, Golden, CO; January 23, 1979, at 7:00 p.m.

Medford, OR; Holiday Inn, 2300 Crater Lake Hwy., Medford, OR; January 9, 1979; at 1:00 and 7:00 p.m.

St. Paul, MN; Earle Brown, Continuing Education Center, Room 135, 1890 Buford St., St. Paul Campus, University of Minnesota, St. Paul, MN; January 29, 1979; at 7:30 p.m.

San Francisco, CA; Fort Mason Visitor Center, Golden Gate National Recreation Area, Headquarters Building No. 201; January 9, 1979; from 2:00-4:00 and 7:30-end.

Seattle, WA; Seattle Center, Conference Room B, Seattle, WA; January 10, 1979; from 7:00-10:00 p.m.

Washington, D.C.; NPS Conference Room, Eighth Floor, Interior Building 18th and C Streets NW., Washington, D.C.; January 30, 1979; from 1:00-5:00 p.m.

Written comments: Written comments, offered independent of, or in addition to, any verbal comment given at the public meetings, will be accepted until thirty (30) days after the last public meeting. Comments should be addressed to: Director, National Park Service, Attention: Chief, Office of Management Policy, 18th & C Streets NW., Washington, D.C. 20240.

Dated: December 4, 1978.

WILLIAM J. WHALEN,
Director, National Park Service.

[FR Doc. 78-34131 Filed 12-6-78; 8:45 am]

[4310-02-M]

Bureau of Indian Affairs

INDIAN TRIBES PERFORMING LAW ENFORCEMENT FUNCTIONS

Determination—Amendment

NOVEMBER 21, 1978.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 1 and 2.

Section 601(d), Title I of the Omnibus Crime Control and Safe Streets Act of 1968, places responsibility on the Secretary of the Interior to determine those Indian tribes which perform law and order functions. The listing published beginning on page 13758 of the May 25, 1973 issue of the FEDERAL REGISTER (38 FR 13758) identified all eligible Indian tribes and the specific law enforcement functions they have responsibility to exercise. Determination and certification of those tribes not listed will be made on an individual basis upon application by such tribes. The Secretary's authority to make such determinations was delegated to the Assistant Secretary—Indian Affairs by 230 DM 1 and 2.

It has been determined by the Assistant Secretary—Indian Affairs that the Tule River Indian Tribe, California, has responsibility to perform the functions listed below.

Therefore, the listing published beginning on page 13758 of the May 25, 1973 FEDERAL REGISTER (38 FR 13758), and last amended at page 43932 of the September 24, 1975 FEDERAL REGISTER (40 FR 43932), is further amended by adding the entry for the Tule River Indian Tribe of California to read as follows:

Tribal entities recognized by the Federal Government and listed by State	Employ tribal police	Establish a tribal court	Adopt a tribal law and order code	Undertake correction function	Undertake program for prevention of adult crime and juvenile delinquency	Undertake juvenile and adult rehabilitation program
California:						
Tule River Tribe	X	X	X	X	X	X

RICK C. LAVIS,
Acting Assistant Secretary, Indian Affairs.

[FR Doc. 78-34103 Filed 12-6-78; 8:45 am]

[4310-84-M]

Bureau of Land Management

[S 229]

CALIFORNIA

Partial Termination of Proposed Withdrawal and Reservation of Land

NOVEMBER 28, 1978.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application S 229, for withdrawal and reservation of land for the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, California, was published as FR Doc. 65-11539 on pages 13747 and 13748 of the issue of October 28, 1965 and republished as FR Doc. 77-5913 on page 11283 of the issue of February 28, 1977. The applicant agency has cancelled its application as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 11 E.,
Sec. 17, W½;
Sec. 20, W½.

The area described aggregates 320 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on January, 8, 1979, will be relieved of the segregative effect of the above-mentioned application.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 78-34152 Filed 12-6-78; 8:45 am]

[4310-84-M]

CEDAR CITY DISTRICT GRAZING ADVISORY

Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on January 11, 1979.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of Land Management, Dixie Resource Area Office at 24 E. St. George Blvd., St. George, Utah. Attendees will then tour grazing allotments around the St. George area.

The agenda for the meeting will include: (1) Tour of grazing allotments to review and make recommendations on implementation of allotment management plans included in the Hot Desert Grazing Environmental Statement; (2) expenditure of range betterment funds; (3) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board at 9:30 a.m. or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720 by January 9, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Persons desiring to make the tour with the advisory board should be prepared to furnish their own transportation, food, and drink.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

MORGAN S. JENSEN,
District Manager.

NOVEMBER 28, 1978.

[FR Doc. 78-34148 Filed 12-6-78; 8:45 am]

[4310-84-M]

[N-11611]

NEVADA

Order Providing for Opening of Public Land

NOVEMBER 28, 1978.

In an exchange of land made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 37 N., R. 53 E.,
Sec. 11, Lot 3, SW¼SW¼;
Sec. 13, W½SW¼, SE¼SE¼.

The area described comprises approximately 199 acres.

The land consists of three separate parcels located approximately 27 miles northwest of Elko, Nevada. It is rough and mountainous terrain and supports a moderate density of diverse vegetation, consisting of various species of sagebrush, rabbitbrush, aspen, willow and numerous types of native grasses. Elevation ranges from 6,720 feet to over 8,080 feet with the drainage pattern running from north to south. The principal land use is livestock grazing and wildlife habitat.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, including the mining and mineral leasing laws.

WM. J. MALENCIK,
Acting Chief, Division of Technical Services.

[FR Doc. 78-34155 Filed 12-6-78; 8:45 am]

[4310-84-M]

[N-12858]

NEVADA

Order Providing for Opening of Public Land

NOVEMBER 28, 1978.

In connection with the issuance of a new and correct patent under the provisions of Title 43, Code of Federal Regulations, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 35 E.,
Sec. 18, E½SE¼SE¼NE¼.

The area described comprises 5 acres in Churchill County.

The land, located in northwestern Churchill County, was patented in 1962. It remained in an undeveloped condition until reconveyed in 1975. Mineral rights were reserved to the United States in the original patent.

Subject to valid existing rights, the land is hereby opened to the operation of the public land laws including the mining laws. The land has never been closed to the mineral leasing laws.

WM. J. MALENCIK,
Acting Chief, Division of Technical Services.

[FR Doc. 78-34156 Filed 12-6-78; 8:45 am]

[4310-84-M]

[NM 35384]

NEW MEXICO

Application

NOVEMBER 27, 1978.

Notice is hearby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 12 W.,
Sec. 26, NE¼SE¼;
Sec. 35, SE¼NE¼.

This pipeline will convey natural gas across 0.167 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-34149 Filed 12-6-78; 8:45 am]

[4310-84-M]

[NM 35376]

NEW MEXICO

Application

NOVEMBER 27, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 10 W.,
sec. 23, lot 15.

This pipeline will convey natural gas across 0.134 of a mile of public land in San Juan County, New Mexico

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-34150 Filed 12-6-78; 8:45 am]

[4310-84-M]

[NM 35378]

NEW MEXICO

Application

NOVEMBER 27, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for one 2⅞-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 25 E.,
sec. 3, lot 10.

This pipeline will convey natural gas across 0.227 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-34151 Filed 12-6-78; 8:45 am]

[4310-84-M]

[NM 3536]

NEW MEXICO

Application

NOVEMBER 30, 1978.

Notice is hereby given than, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 2 W.,
sec. 3, S½SW¼;
sec. 4, SE¼SE¼;
sec. 8, N½NE¼;
sec. 9, NW¼NE¼ and N½NW¼.

This pipeline will convey natural gas across 1.734 miles of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be aproved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly spend their name and address to the District Manager, Bureau of Land

Managment, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-34157 Filed 12-6-78; 8:45 am]

[4310-84-M]

[NM 35377]

NEW MEXICO

Application

NOVEMBER 27, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 33 E.,
sec. 6, SW¼NE¼ and W½SE¼.

These pipelines will convey natural gas across 0.619 of a mile of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-34158 Filed 12-6-78; 8:45 am]

[4310-70-M]

National Park Service

[INT FES 78-36]

BUFFALO NATIONAL RIVER, ARKANSAS

Proposed Wilderness Recommendation
Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for proposed wilderness recommendations for Buffalo National River, Arkansas.

The environmental statement considers the wilderness designation of 10,529 acres of Federal lands and the potential wilderness addition of 25,471 acres of nonfederal lands or lands which have nonfederal interests therein for a total of 36,000 acres in three separate units within the authorized boundary of the Buffalo National River.

Copies are available from or for inspection at the following locations: Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501. Superintendent, Buffalo National River, Post Office Box 1173, Harrison, Arkansas 72601. Superintendent, Hot Springs National Park, Post Office Box 1860, Hot Springs, Arkansas 71901.

Dated: November 30, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 78-34132 Filed 12-6-78; 8:45 am]

[4310-70-M]

[INT FES 78-35]

GENERAL MANAGEMENT PLAN FOR BISCAYNE NATIONAL MONUMENT, FLORIDA

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Statement on the proposed General Management Plan for Biscayne National Monument, Florida.

The statement considers the future management and development of Biscayne National Monument.

Copies of the Environmental Statement and General Management Plan will be available for public review at the addresses given below for a period of 30 days following publication of this notice.

Regional Director, Southeast Region, National Park Service, 1895 Phoenix Boulevard, Atlanta, Ga. 30349.
Superintendent, Everglades National Park, P.O. Box 279, Homestead, Fla. 33030.
Superintendent, Biscayne National Monument, P.O. Box 1369, Homestead, Fla. 33030.

NOTE.—The U.S. Department of the Interior 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.

Dated: November 30, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 78-34133 Filed 12-6-78; 8:45 am]

[4310-70-M]

[(Order No. 2) Amendment No. 1]

SUPERINTENDENTS, ET AL., NORTH ATLANTIC REGION

Delegation of Authority

Section 2(b) *Regional Chief, Division of Contracting and Property Management.* The Regional Chief, Division of Contracting and Property Management, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, North Atlantic Region, except authority to contract for acquisition of land and related property, and option and offers to sell related thereto.

Section 2(c) *Regional Chief, Branch of Contracting.* The Regional Chief, Branch of Contracting, may execute, approve and administer contracts not in excess of $200,000 for equipment, supplies and services, including construction, in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Regional Chief, Branch of Contracting, in behalf of any office or area under the administration of the North Atlantic Region.

Section 2(d) *Regional Chief, Branch of Procurement and Property Management.* The Regional Chief, Branch of Procurement and Property Management, may execute, approve and administer contracts not in excess of $50,000 for equipment, supplies and services, in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Regional Chief, Branch of Procurement and Property Management, in behalf of any office or area under the administration of the North Atlantic Region.

Section 4 *Revocation.* This Amendment No. 1 modifies Order No. 2, dated January 31, 1977 and published in (42 FR 27687) on May 31, 1977.

(National Park Service Order No. 77 (38 FR 7478) as amended).

Dated: October 20, 1978.

JACK E. STARK,
Regional Director.

[FR Doc. 78-34135 Filed 12-6-78; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-47]

CERTAIN FLEXIBLE FOAM SANDALS

Notice of Commission Order for Written Comments and Information Concerning Presiding Officer's Recommendation, Relief, Bonding, and the Public Interest

Recommendation of "violation" issued.—In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930, of alleged unfair methods of competition and unfair acts in the importation and sale of certain flexible foam sandals in the United States, the presiding officer recommended on October 23, 1978, that the Commission determine that there is a violation of section 337. The presiding officer certified the record to the Commission for its consideration. Copies of the presiding officer's recommendation may be obtained by interested persons by contacting the office of the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, telephone (202) 523-0161.

Commission considerations.—Should the Commission adopt the recommendation of the presiding officer, it must make determinations concerning the appropriate relief and bonding, if any, and it must consider the public interest. These issues are described below.

Relief.—In the event that the Commission were to find a violation of section 337, it would issue (1) an order which could result in the exclusion from entry of certain flexible foam sandals into the United States or (2) an order which could result in requiring respondents to cease and desist from alleged unfair methods of competition or unfair acts in the importation and sale of these sandals. Accordingly, the Commission is interested in what relief should be ordered, if any.

Bonding.—In the event that the Commission were to find a violation of section 337 and order some form of relief, that relief would not become final for a 60-day period during which the President would consider the Commission's determination. During this period, the certain flexible foam sandals would be entitled to enter the United States under a bond determined by the Commission and prescribed by the Secretary of the Treasury. Accordingly, the Commission is interested in what bond should be determined, if any.

The public interest.—In the event that the Commission were to find a violation of section 337 and order some form of relief, the Commission must consider the effect of that relief upon the public interest. Accordingly, the Commission is interested in the effect of any exclusion order or cease and desist order upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers.

Written comments and information concerning relief, bonding, and the public interest invited.—Parties to the Commission's investigation, interested agencies, public interest groups, and any other interested members of the public are encouraged to file written comments and information concerning relief, bonding, and the public interest. These written submissions will be very useful to the Commission in the event it determines that there is a violation of section 337 and that relief should be granted.

Written comments and information concerning relief, bonding, and the public interest shall be submitted in this order. First, complainant shall file and serve on all parties of record a detailed proposed Commission action, including a proposed determination of bonding, a proposed remedy, and a discussion of the effect of its proposals on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, with the Secretary to the Commission by no later than the close of business on Friday, December 15, 1978. Second, the Commission's investigative staff shall file and serve on all parties of record a formal report reflecting its investigation of the public interest factors to be considered by the Commission with the staff's recommendations and conclusions no later than the close of business on Friday, December 22, 1978. Third, any other party, interested agency or department, public interest group, or other member of the public wishing to file written comments and information concerning the action which complainant has proposed, any available altenatives, and the advisability of any Commission action in light of the public interest considerations listed above by no later than the close of business on Friday, December 22, 1978.

Requests for oral argument and oral presentation.—At present, no oral argument is planned with respect to the recommended determination of the presiding officer concerning whether there is a violation of section 337 of the Tariff Act of 1930 in this matter. Similarly, no oral presentation is planned with respect to the relief, bonding, and the public-interest factors set forth in section 337(d) and (f) of the Tariff Act of 1930, as amended (19 U.S.C. 1337), which the Commission is to consider in the event it determines that relief should be granted. However, the Commission will consider requests for an oral argument or an oral presentation if they are received by the Secretary to the Commission not later than January 8, 1979.

Notice of the Commission's institution of the investigation was published in the FEDERAL REGISTER of February 17, 1978 (43 FR 7060).

Issued: December 4, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-34189 Filed 12-6-78; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

U.S. CIRCUIT JUDGE NOMINATING COMMISSION, WESTERN FIFTH CIRCUIT PANEL

Meeting

The Western Fifth Circuit Panel of the United States Circuit Judge Nominating Commission will meet in Houston, Texas at the United States Court of Appeals, the Eleventh Floor of the Federal Building, 515 Rush Street, Houston, Texas, on December 20, 1978, at 10:00 a.m.

The morning session will be an orientation meeting to discuss the needs of the Fifth Circuit; it will be open to the public. The afternoon session will discuss applicants for the vacancies available and will be closed to the public in accord with Pub. L. 92-463, Section 10(D) as amended.

JOSEPH A. SANCHES,
Advisory Committee,
Management Officer.

DECEMBER 1, 1978.

[FR Doc. 78-34111 Filed 12-6-78; 8:45 am]

[4410-01-M]

Attorney General

CLEAN AIR ACT ENFORCEMENT ACTION

Notice of Consent Judgment

In accordance with Departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that a proposed consent judgment in *United States v. The Connecticut Department of Transportation, et al.* has been lodged with the United States District Court for the District of Connecticut. The decree requires the defendants to ultimately comply with the applicable provisions of the federally-approved Connecticut state implementation plan by shutting down their Cos Cob generating facility by December 1980. During the interim period of time, defendants will be required to replace two of the three non-complying coal-fired boilers at that plant with com-

plying oil-fired boilers and will only be allowed to operate the remaining coal-fired boiler in certain limited instances.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *The Connecticut Department of Transportation, et al.*, D.J. Ref. 90-5-2-3-747.

The consent decree may be examined at the office of the United States Attorney, District of Connecticut, 270 Orange Street, New Haven, Connecticut 06508, at the Region I office of the Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203, and the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

JAMES W. MOORMAN,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 78-34110 Filed 12-6-78; 8:45 am]

[4410-01-M]

[AAG/A Order No. 20-78]

PRIVACY ACT OF 1974

Deletion of Systems of Records

Notices previously published in the FEDERAL REGISTER pursuant to the Privacy Act relating to the systems of records maintained by the Office of Management and Finance, Internal Audit Staff, are hereby rescinded. All records of JUSTICE/OMF-004, employee Clearance Record, 42 FR 53421 (September 30, 1977), and JUSTICE/OMF-006, Interim Performance Appraisal Record, 42 FR 53422 (September 30, 1977) are to be destroyed or distributed to the employee because they are duplicates of records maintained by the Office of Management and Finance, Personnel and Training Staff. All records of JUSTICE/OMF-005, Employee Time Distribution Record, 42 FR 53421 (September 30, 1977) are to be destroyed because the information can be derived from alternate sources.

Dated: November 30, 1978.

KEVIN D. ROONEY,
Assistant Attorney General for Administration.

[FR Doc. 78-34199 Filed 12-6-78; 8:45 am]

[7532-01-M]

NATIONAL COMMISSION NEIGHBORHOODS

MEETING

ACTION: Notice of meeting of the National Commission on Neighborhoods.

SUMMARY: This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I) announces a public meeting.

TIME AND DATE: Thursday, December 21, 1978; 9:00 am., to 9:30 p.m. Friday, December 22; 9:00 a.m. to 3:30 p.m.

PLACE: Alban Towers Apartment Hotel; 3700 Massachusetts Avenue, Washington, D.C. 20019.

AGENDA:

December 21: 9:00 a.m. Call to order.
9 to noon Consideration of drafts of the final report of the Commission.
Noon Adjourn.
1:00 p.m. Call to order.
1 to 5 Consideration of drafts of the final report by the Commission.
5:00 p.m. Adjourn.
7 to 9:30 Consideration of drafts of the final report by the Commission.
9:30 p.m. Adjourn.
December 22: 9:00 a.m. Call to order.
9 to noon Consideration of draft of the final report by the Commission.
Noon Adjourn.
1:00 p.m. Call to order.
1 to 3:30 Consideration of draft of the final report of the commission.
3:30 p.m. Adjourn.

STATUS: Open to the public.

CONTACT PERSON: John Eade, Administrator, Telephone Number: 202-632-5200.

JOHN EADE,
Administrative Officer.

[FR Doc. 78-34145 Filed 12-4-78; 2:28 pm]

[4410-01-M]

NATIONAL COMMISSION FOR THE REVIEW OF ANTITRUST LAWS AND PROCEDURES

COMMISSION'S FINAL REPORT TO PRESIDENT AND ATTORNEY GENERAL

Public Meeting

In accordance with Executive Order 12,022 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 (hereinafter "Commission"), will hold a public meeting on Monday, December 18 beginning at 9:30 a.m. in Room 2228, Dirksen Senate Office Building, First and Constitution Avenue, NE., Washington, D.C.

The purpose of the meeting is to consider matters relating to the Commission's final report to the President and the Attorney General.

Dated: December 4, 1978.

WENDELL B. ALCORN, Jr.,
Special Counsel.

[FR Doc. 78-34130 Filed 12-6-78; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

AMENDED NOTICE; DANCE ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts, which appeared in the FEDERAL REGISTER, Vol 43, No. 223, p. 53868, Friday, November 17, 1978, is amended as follows: The meeting will be held December 9, 1978, from 9:00 a.m. to 6:00 p.m., December 10, 1978, from 9:00 a.m. to 6:00 p.m., and December 11, 1978, from 9:00 a.m. to 6:00 p.m., in Room 1422, the Columbia Plaza Building, 2401 E St., N.W., Washington, D.C. A portion of this meeting will be open to the public on December 10, 1978, from 1:30 p.m. to 6:00 p.m., and December 11, 1978, from 9:00 a.m. to 1:00 p.m. The topic of discussion will be Policy and Guidelines.

The remaining sessions of this meeting on December 9, 1978, from 9:00 a.m. to 6:00 p.m., December 10, 1978, from 9:00 a.m. to 1:30 p.m., and December 11, 1978, from 1:00 p.m. to 6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National En-

dowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 78-34167 Filed 12-6-78; 8:45 am]

[7537-01-M]

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Endowment for the Arts will be held on January 5, 1979, from 1:00 p.m. to 4:30 p.m., in room 1125 of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

This meeting will be open to the public on a space available basis. Accommodations are limited. Interested persons may submit written statements to the panel.

The agenda for this meeting will include evaluation of graphics materials for the National Aeronautics and Space Administration.

Further information with reference to this meeting can be obtained from Mr. Jerome Perlmutter, Coordinator of Federal Graphics, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-4286.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-34168 Filed 12-6-78; 8:45 am]

[7537-01-M]

AMENDED NOTICE; MUSIC ADVISORY PANEL (PLANNING SECTION)

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Planning Section) to the National Council on the Arts which appeared in the FEDERAL REGISTER, Vol. 43, No. 223, P. 53869, Friday, November 17, 1978, is amended as follows: the meeting will be held 12/5/78, from 9:30 a.m. to 6:00 p.m., 12/6/78, from 9:30 p.m. to 6:30 p.m., 12/7/78 from 9:30 a.m. to 6:00 p.m., and 12/8/78, from 9:30 a.m. to 4:00 p.m. in Room 1422, the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. A portion of this meeting will be open to the public on 12/5/78, from 9:30 a.m. to 5:00 p.m., 12/7/78, from 9:30 a.m. to 1:30 p.m., and 12/8/78, from 9:30 a.m. to 3:00 p.m. The topic of discussion will be policy.

The remaining sessions of this meeting on 12/5/78, from 5:00 p.m. to 6:00 p.m., 12/6/78, from 9:30 a.m. to 6:30 p.m., 12/7/78, from 1:30 p.m. to 6:00 p.m., and on 12/8/78, from 3:00 p.m. to 4:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER, March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 78-34166 Filed 12-6-78; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-49]

RESPONSES TO SAFETY RECOMMENDATIONS

Receipt

The National Transportation Safety Board has recently received letters, summarized below, in response to safety recommendations issued following investigation of certain aviation and surface transportation accidents which occurred within the past several years.

Aviation

A-74-26.—The Secretary of Transportation on November 24 responded to the Safety Board's inquiry of October 30, 1978, regarding the status of this recommendation, issued following investigation of the November 3, 1973, crash of a Pan American World Airways Boeing 707 at Logan International Airport, Boston, Mass. The recommendation called for rulemaking action to require air carriers to notify the shipper and the FAA when a shipment deviates from Federal or air carrier regulations.

The Secretary's November 24 letter informs the Safety Board that Materials Transportation Bureau now has the responsibility for rulemaking in this area, and, in conjunction with the Federal Aviation Administration, has completed a review of current Federal Air Regulations and Hazardous Materials Transportation Regulations that pertain to the transportation of hazardous materials by aircraft. As a result of this action, a notice of proposed rulemaking will be published within the next 60 days. A portion of this rulemaking action will relate to recommendation A-74-26.

A-76-109, A-76-114, and A-76-115.—Response of November 24 from the Federal Aviation Administration to the Safety Board's September 12 letter concerns recommendations released in conjunction with the Board's 1976 special study, "General Aviation Accidents Involving Aerobatics, 1972-1974." The Safety Board's letter referenced FAA's June 14, 1978, response which reaffirmed FAA's previous conclusions that the inflight failures listed in the report have no more than a tenuous relation to the recommendations. (See 43 FR 29196, July 6, 1978.)

In asking for FAA's further reconsideration, the Safety Board on September 12 referred to the discussion of these recommendations during the NTSB/FAA quarterly recommendations meeting last July 18. The Board believes it was apparent, as a result of this meeting, that FAA had misconstrued the Board's rationale for making these recommendations and was not aware of certain substantiating information relating to them. The Board said that, although the special study contains adequate substantiation for the recommendations (see pages 19-28), it believes that FAA has (mistakenly) used the nature and number of airframe failure inflight accidents as the only basis for its response. The recommendations were not based on accidents alone, and FAA should broaden its viewpoint concerning them to include other aspects, especially those dealing with accident prevention measures.

The Board pointed to several accidents in the United States and Canada involving negative wing failures of Bellanca Citabria airplanes which relate to the subject recommendations. This information has been made available to FAA either by letter (from the Safety Board and individual citizens) or through related discussions with FAA safety staff members. The Boards also referred to independent studies on aircraft conducted by the National Aeronautics and Space Administration which relate to the Board's recommendations. These studies show the ease with which values of negative load factor as low as -3_g can be exceeded (the negative limit in Bellanca Citabria airplanes is only -2_g),

and point out that pilot control forces are not a reliable indication of negative load factors nor would such control forces be a physical limit for load factors exceeding the minimum required negative load factor.

Further, the Board noted that in addition to improving the margins of safety in aerobatic operations, particularly as applied to the novice aerobatic pilot, the recommendations are also intended to update and standardize aerobatic airworthiness standards and certification criteria. For example, the maximum value of maneuvering load factors which applied under CAR 4a are not equivalent to those presently required for aerobatic certification under FAR 23. The newer standards obviously are more rigorous and provide for a stronger, safer aerobatic airplane. The Safety Board believes that this situation can and should be changed through amended regulatory controls or through "special conditions" imposed during the certification period.

Regarding the Bellanca Citabria aircraft, the Board notes that on January 17, 1977, certain technical data was forwarded to FAA requesting evaluation to determine compliance with the intent of all certification criteria and whether these airplanes are safe for continued normal and aerobatic operations. FAA's evaluation subsequently disclosed lack of compliance with some structural requirements; consequently, AD 77-22-05 was issued, effective November 7, 1977, requiring, among other things, restriction of the maximum operating speed of airplanes in service until a structural modification was made.

FAA in its November 24 response indicates that it has carefully reviewed the information and repeated previous reviews of the accidents listed in the special study. FAA does not believe that there is sufficient evidence to support regulatory action beyond that taken with the issuance of the airworthiness directive noted above. FAA assures that it will continuously monitor acrobatic activities and that any condition which has an adverse effect on safety will receive prompt attention.

A-77-35.—FAA's letter of November 20 advises of completion of action with respect to this recommendation, which asked FAA to conduct an engineering analysis to determine the adequacy of present livestock restraining systems. It was also recommended that this analysis should determine the load distribution and maximum amount of permissible load shift without causing an intolerable shift of the airplane's center of gravity.

FAA reports that it has completed an audit of engineering approvals of livestock restraint systems and considers them acceptable. FAA believes that this action and the issuance of Order 8110.29, "Cargo Compartment Requirements for Air Shipment of Livestock," confirms the Federal Aviation Regulations compliance of previous certifications and assures uniform policy for certification in the future.

A-78-67 through A-78-74.—Letter of November 28 from FAA provides the agency's initial response to eight recommendations issued on September 6 when the Safety Board expressed its concern about multiple tire failures on wide-bodied aircraft, such as that experience by the Continental Air Lines DC-10 at Los Angeles International Airport last March 1. (See 43 FR 41101, September 14, 1978.)

FAA reports that it has assessed the entire process by which tires are approved, including use of the Tire & Rim Association Handbook. FAA notes that aircraft tires are approved on the basis of conformance to prescribed certification and performance requirements of the Federal Aviation Regulations and the associated Technical Standard Order (TSO). The selected tire ratings, substantiated by compliance with these requirements, result in compatibility of the tire with the airframe and its intended operation. Tests of the tire installed on the airplane are completed before the configuration is approved, FAA stated.

FAA proposes to issue in February 1979 revisions to FAR §§ 25.733 and 31.67, Aircraft tires—TSO-C62b, tire certification and performance standards; these proposals will include higher tire load margins and more severe testing provisions. FAA notes that current procedures consider compatibility during airplane certification. Tire load ratings take into account variations in design, maintenance and operational practices and are substantiated in accordance with regulatory requirements; improvements in this area are contained in the proposals. Also, the proposed revision to TSO-C62b will include a provision that manufacturers furnish maintenance and repair information to the FAA-TSO approving office upon request by that office. An advisory circular dealing with tire recapping will be developed.

Considered in current proposals is the variation in tire loads, as experienced on airplanes with dual or tandem landing gear trucks. Higher load margins and more severe testing provisions are being proposed to account for tire load variations, such as those resulting from different model tires or tires from different manufacturers, FAA reports.

Operator maintenance and operational practices, as contained in the FAA-approved operators' manuals, are considered satisfactory. FAA says that in most cases they closely parallel the manufacturer's recommendations and in some cases exceed them. Operators in most cases have developed programs which best suit their own requirements; i.e., frequent maximum versus less-than-maximum load conditions, environmental conditions, stage lengths, etc. FAA notes that Advisory Circular 20-97, "High-Speed Tire Maintenance and Operational Practices," and Maintenance Bulletin No. 32-3, "Aviation Tire Maintenance Practices," were issued in 1977. Last April a selected 30-day tire surveillance program was conducted, and FAA inspectors were directed to increase surveillance to check for conformity with the advisory circular and maintenance bulletin; result: 1,500 special inspections revealed 46 cases requiring corrective action. FAA expects to complete this month a research and development progran (R&D) to evaluate the capability of several nondestructive inspection methods for identifying flaws and failure areas in tires.

FAA states that it does not have data to support a limit for the number of retread cycles allowed. Surveys conducted over the years indicate that new and recapped tires have almost identical reliability experience. The reliability of any tire, new or recapped is dependent primarily on maintenance and operational practices. FAA notes that the installation of new treads is predicated on the condition of the tire carcasses and recapping procedures. The information contained in the proposed TSO revision and the findings from the R&D project will provide the basis for an advisory circular dealing with tire recapping.

Marine

M-78-70 through M-78-72.—Letter of November 8 from Halliburton Services of Duncan, Okla., is in response to recommendations issued on September 28 following investigation into the explosion last February 4 of the industrial vessel M/V HALLIBURTON 207 while the vessel was attempting to plug an offshore oil well in the Garden Island Bay section of the Mississippi River Delta. (See 43 FR 48742, October 19, 1978.)

The recommendations asked Halliburton Services to: Install a device at the outlet end of the cement discharge piping of its cementing vessels to prevent flow from the well back into the vessel, and provide a means to release entrapped pressure downstream of the device; establish instructions requiring the hydrostatic testing of both the cement discharge lines and the mixing discharge lines before servicing petroleum wells; and require supervisors of petroleum well servicing operations to formulate contingency plans with the person in charge of the well before commencing service operations, such

plans to include, but not be limited to, the manning of key valves.

Halliburton Service reports that it has carefully reviewed the Safety Board's accident report and recommendations and has conducted its own investigation of the accident. Procedures, including those recommended by the Board, have been adopted in an effort to prevent such accidents from occurring in the future.

Pipeline

P-76-66.—Letter of November 9 from the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, addresses a recommendation issued August 11, 1976, following investigation of the rupture of a 1,000-gallon liquefied petroleum gas tank in a residential neighborhood of Lehigh Acres, Fla., March 23, 1976. Liquid and vapors escaped from the ruptures, formed a white, fog-like cloud near the ground, and ignited. The recommendation asked DOT to modify the exemption from 49 CFR Part 192 for pipelines with less than 10 customers to include systems that have pipeline facilities which expose a substantial part of a community or neighborhood to a potential hazard.

RSPA refers to a DOT letter dated December 23, 1976, indicating:

Under 49 CFR 192.11, a petroleum gas system serving less than 10 customers is not subject to the Federal safety standards unless a portion of the system is located in a public place. This exemption is based on a concern that the transportation of gas involved must affect interstate commerce significantly enough to sustain a Congressional grant of regulatory authority. Although the Board's recommendation appears to be in keeping with this concern, we object to it because the test of jurisdiction over a system—whether the system exposes a substantial part of a community or neighborhood to a potential hazard—would be too vague. Under this test it would be extremely difficult if not impossible for either government or industry to identify the pipeline facilities subject to Federal regulation. As a consequence, the regulation would be unenforceable and probably ruled invalid.

Our refusal to adopt this recommendation does not mean, however, that the systems would go unregulated. Most States regulate petroleum gas systems for safety. By and large, the safety standards adopted by the States are the standards in NFPA Standard No. 58, which as you know, is also incorporated by reference in Part 192. Systems not covered by State regulation are either subject to local controls or bound to follow NFPA Standard No. 58 as the generally recognized industry standard of performance.

RSPA is informed that the Safety Board is keeping this recommendation in an "open unacceptable action" status. RSPA states that no comments regarding its response to this recommendation have been received from the Board.

P-78-50 and P-78-51.—RSPA's letter of November 8 is in response to recommendations issued on August 8 following investigation of the gas main accident which occurred in Mansfield, Ohio, last May 17. (See 43 FR 38960, August 31, 1978.) The recommendations, addressed to DOT's Materials Transportation Bureau, called for revising 49 CFR Part 192 to require that gas company system maps and records be maintained accurately to identify the location, size, and operating pressure of all of their pipelines, and to require that gas system operators verify through pressure monitoring or other means the identity of all pipelines before performing hot taps.

RSPA reports that MTB has completed its review of the Safety Board's accident report and concludes that implementation of these recommendations would improve pipeline safety. The recommendations will be considered in developing DOT's regulatory schedule commencing in January 1979. However, RSPA informs, because of competing demands on resources, consideration of these recommendations does not necessarily mean they will be included in the 1979 regulatory schedule. MTB will evaluate the current priorities or the basis on the causes and frequency of accidents occurring because of the lack of appropriate regulations and the effect on human life, health, and property of such accidents.

Railroad

R-78-14 through R-78-16.—Letter of November 20 from Illinois Central Gulf (ICG) is in response to the Safety Board's July 31 inquiry as to the status of these recommendations, issued March 23, 1978, following investigation of the rear end collision of two ICG commuter trains in Chicago, Ill., last January 26. The recommendations were aimed at correcting design deficiencies of the brake system on the Highliner cars to ensure that prolonged operation with the "snow brake" activated will not prevent the brake shoe wear compensating feature of the hydropneumatic booster assembly from maintaining the hydraulic fluid volume needed to assure proper brake performance in all weather conditions. (See 43 FR 13443, March 30, 1978.)

IGC reports a joint investigation with New York Air Brake and Abex. No recommendation for change has been forthcoming from New York Air Brake. Based on a series of field tests, a decision has been made to use a cast-iron high phosphorous brakeshoe. IGC states that immediately subsequent to the accident, tests were conducted by ICG with New York Air Brake to determine guidelines for producing the most efficient braking effort with the present braking system under adverse weather conditions. When this was established, instructions were posted on bulletin boards (copies provided with IGC's letter) and classes were held at the Randolph Street Station in Chicago for engineers and trainmen, instructing them in the function of the brake system, proper use of the snow brake, and proper air brake tests to preclude a brake slack adjuster malfunction.

Further, IGC reports that instructions have been issued to engineers and control operators to inform the dispatcher's office at Randolph Street of the first sighting of snow in the area, thus enabling the dispatcher's office to implement the operation procedures. This consists of first notifying each engineer to place the snow brake in operation and informing all crews of air brake test procedures to ensure the proper adjustment for cylinder strokes due to brake shoe wear.

R-78-48.—The Federal Railroad Administration on November 27, 1978, informed the Safety Board that it is now drafting amendments to 49 CFR Part 231 and that careful consideration will be given to § 231.6 regarding the location of side handholds on flatcars. The recommendation was issued August 21 following Board investigation into the death last December 1 of a Louisville and Nashville Railroad switchman when he fell from the deck of a moving flatcar at the company's yard in Atlanta, Ga. (See 43 FR 38960, August 31, 1978.)

NOTE.—The above notice reports on recommendation response letters recently received by the Safety Board. Copies of these letters, as well as copies of related Board correspondence, are available without charge. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 1, 1978.

[FR Doc. 78-34114 Filed 12-6-78; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Man-

agement and Budget on November 30, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes:

The name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the information is proposed to be collected;

An indication of who will be the respondents to the proposed collection;

The estimated number of responses;

The estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Request for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL ENDOWMENT FOR THE HUMANITIES REVIEWER/PANELIST/EVALUATOR PERSONAL INFORMATION SHEET

On occasion
Interested individuals,
500 responses; 500 hours
Laverne V. Collins, 395-3214

Grant application cover sheet
Quarterly
Interested applicants,
20,000 responses; 30,000 hours
Laverne V. Collins, 395-3214

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration (Medicare)
National survey to test the feasibility of collecting data on service utilization and manpower
HCFA-81
Single-time
Community hospitals,
1, 400 responses; 2,100 hours
Richard Eisinger, 395-3214

Health Resources Administration other reasonable educational expenses form—NHSC
And EFN scholarship
Annually
Accredited MODVOPP and RN schools,
900 responses; 225 hours
Richard Eisinger, 395-3214

REVISIONS

NATIONAL CREDIT UNION ADMINISTRATION

Annual report for State-chartered credit unions
NCUA-5306
Annually
State-chartered credit unions,
47 responses; 94 hours
Geiger, Susan B., 395-5867

State Central credit union financial statements
NCUA-5307
Annually
State Central credit unions,
70, responses; 70 hours
Geiger, Susan B., 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary
Income survey development program—1979 research panel (WAVE 1)
OS-13-78
Quarterly
Household members in national probability sample,
61,967 responses; 20,400 hours
Office of Federal Statistical Policy and Standard, 673-7956

Office of the Secretary
An interim evaluation of section 504 implementation
OS-4-78-B
Single-time
Hew service providers,
0 responses; 360 hours
Laverne V. Collins, 395-3214

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Army
Application and agreement for establishment of Army Reserve Officers Training Corps unit
DA-918
On occasion
Colleges and universities,
1,000 responses; 1,000 hours
Caywood, D. P., 395-3443

Department of the Army
Application for establishment of any Army Senior Reserve Officers' Training Corps unit
DA-3126-1
On occasion
Schools,
500 responses; 500 hours
Caywood, D. P., 395-3443

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE SOCIAL SECURITY ADMINISTRATION

Quality review questionaires—insured individual, spouse and surviving spouse, and children
SSA-2930, 2931, and 2932
Single-time
Beneficiaries receiving title II payments,
15,500 responses; 6,083 hours
Reese B. F., 395-3211

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ADMINISTRATION (OFFICE OF ASSISTANT SECRETARY)

Supporting schedules for FHA 2742
FHA 2744A-2744E
On occasion
FHA approved mortagagees,
300 responses; 300 hours
Strasser, A., 395-6132

DEPARTMENT OF DEFENSE

Departmental and other
Request for report from (employer)—(school)—(personal reference)
DD 370
On occasion
Employers and schools,
907,000 responses; 181,400 hours
Caywood, D. P., 395-3443.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-34164 Filed 12-6-78; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on January 29-30, 1979, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, NW., Conference Room 'C' to review, appraise and make recommendation to the Administrator, agency for International Development, concerning projects proposed for A.I.D. central research funding in the field of food and nutrition, health and population. The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Robert C. Simpson, Director, Office of Program, Bureau for Development Support, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information, contact Mr. Simpson, 1601 N. Kent Street, Arlington, Va. 22209 or call area code (202) 235-8898.

Dated: November 29, 1978.

ROBERT C. SIMPSON,
A.I.D. Representative,
Research Advisory Committee.

[FR Doc. 73-34153 Filed 12-6-78; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[Docket No. 77-3W, Notice 2]

ALGONQUIN GAS TRANSMISSION CO.

Grant of Waiver

By a petition dated December 27, 1976, the Algonquin Gas Transmission Company petitioned for a waiver of compliance with paragraph (a)(4) of Section 192.619 of the Federal gas pipeline safety standards (49 CFR Part 192) for its "G-6-4 inch" pipeline, which is located in the towns of Seekonk, Rehobeth, and Swansea, Massachusetts. Section 192.619 establishes the maximum allowable operating pressure (MAOP) for steel and plastic pipelines, and paragraph (a)(4) provides that furnace butt-welded steel pipe may not be operated at a pressure higher than 60 percent of the test pressure to which the pipe was subjected in the mill.

Algonquin's petition states that the "G-6-4 inch" pipeline was constructed in 1952. It comprises 14,415 feet of 4½ inch outside diameter, 0.237 inch wall Republic API Class I Open Hearth butt-welded pipe, which was subjected to a 1200 psi mill test. The present MAOP of the pipeline is 720 psig, based on the requirements of § 192.619(a)(4). Algonquin now wishes to operate the pipeline at 750 psig, a pressure equal to the MAOP of connecting pipelines.

To qualify the line to operate at this higher pressure, Algonquin hydrostatically retested the pipeline without failure in accordance with the requirements of Subpart J of Part 192 at a minimum field test pressure of 1250 psig and met the requirments of Subpart K of Part 192 applicable to increasing an established MAOP. Under these circumstances, § 192.619 would permit the desired operating pressure if it were not for the requirements of paragraph (a)(4).

In response to this petition, a notice of petition for waiver was published in the FEDERAL REGISTER on April 20, 1978 (43 FR 16842). This notice stated that the Materials Transportation Bureau (MTB) was considering granting the proposed waiver for the following reasons:

1. The field test is a better, more reliable indicator of the present condition of the pipeline than the preinstallation mill test because it was performed at a higher pressure and for a significantly longer time. Also, the postinstallation field test served as a check on possible defects which could not have been detected in the mill.

2. The requirements of Part 192 in Subpart J, Test requirements, and Subpart K, Uprating, provide for an acceptable level of safety in increasing the MAOP of furnace butt-welded pipe without the restriction of § 192.619(a)(4).

Interested persons were invited to comment on the proposed waiver. Only three persons submitted comments, and they all supported the proposed waiver.

In consideration of the foregoing, it appears that the increase in MAOP proposed by Algonquin will not lessen public safety, and compliance with § 192.619(a)(4) is not necessary in this case. Further, MTB finds that Algonquin has taken appropriate action to verify the continued integrity of this pipeline. Therefore, effective immediately, the Algonquin Gas Transmission Company is granted a waiver from compliance with 49 CFR 192.619(a)(4) for the 14,415 feet of its "G-6-4 inch" pipeline for which the waiver was requested.

(Sec. 6, Pub. L. 90-481, 82 Stat. 721, 40 U.S.C. 1672, 40 FR 43901, 49 CFR 1.53 Appendix A of Part 1 and Appendix A of Part 106)

Issued in Washington, D.C., on December 1, 1978.

CESAR DE LEON,
Associate Director for Pipeline Safety Regulation.

[FR Doc. 78-33963 Filed 12-6-78; 8:45 am]

[4910-60-M]

EXEMPTIONS

Grants and Denials of Applications

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted October 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		
930-X	DOT-E 930	Callery Chemical Co., Callery, Pa., Liquid Carbonic Corp., Chicago, Ill.	49 CFR 172.101, 173.2, 173.34(d)(3), 173.328.	To ship a flammable poisonous gas in DOT Specification 3AA1800, 3AA2015, and 3AA2400 cylinders. (Modes 1, 2, 3.)
970-X	DOT-E 970	Callery Chemical Co., Callery, Pa	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.)
2051-X	DOT-E 2051	International Plastics, Inc., Colwich, Kans.	49 CFR 173.34(d), 173.304(a)(1), (2), 175.3.	To ship certain nonflammable and nonpoisonous refrigerant gases in non-DOT aluminum containers. (Modes 1, 2, 3, 4, 5.)
3126-X	DOT-E 3126	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.62	To ship a class A explosive in DOT-5 metal drums; and non-DOT Specification containers. (Mode 1.)
3216-X	DOT-E 3216	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.314(c)	To ship certain compressed gases in a proposed DOT Specification 110A3000W tank car tank. (Modes 1, 3.)
3768-X	DOT-E 3768	Chemetron Corp., La Porte, Tex	49 CFR 173.119, 173.245, 173.288.	To ship certain flammable and corrosive liquids in an insulated DOT Specification MC-304, MC-307 or MC-312 cargo tank. (Mode 1.)
3941-X	DOT-E 3941	Aerojet Solid Propulsion Co., Sacramento, Calif.; Kerr-McGee Chemical Co., Oklahoma City, Okla.	49 CFR 173.239a(a)(2)	To ship an oxidizer in non-DOT specification aluminum portable tank.
4052-X	DOT-E 4052	The Boeing Co., Seattle, Wash	49 CFR 173.34, 173.305, 175.3	To ship an aerosol formulation in DOT Specification 39 seamless aluminum cylinders. (Modes 1, 2, 4, 5.)
4282-X	DOT-E 4282	Hercules, Inc., Wilmington, Del	49 CFR 173.93(a), 173.182(c)	To ship a class B explosive and oxidizer in privately owned and specially designed cargo tanks. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		RENEWALS—Continued		
4390-P	DOT-E 4390	Corco Chemical Corp., Fairless Hills, Pa.; Cordova Chemical Co., Sacramento, Calif.	49 CFR Part 173	To become a party to Exemption 4390 (see Application 4390-X). (Modes 1, 2, 3.)
4453-P	DOT-E 4453	Gulf Oil Chemicals, Merriam, Kans	49 CFR 173.182(c)	To become a party to Exemption 4453 (see Application No. 4453-X). (Mode 1.)
4497-X	DOT-E 4497	Bill Munn Welders Equipment and Supplies, Enid, Okla.	49 CFR 172.101, 173.315(a)	To ship a certain nonflammable compressed gas in a non-DOT specification cargo tank. (Mode 1.)
4588-X	DOT-E 4588	U.S. Department of Energy, Washington, D.C.	49 CFR 173.65(a)	To ship certain high explosives in a non-DOT outer metal (AN type) container. (Mode 1.)
4607-X	DOT-E 4607	Armstrong Laboratories Division, West Roxbury, Mass.	49 CFR 173.306(a)(3)	To ship a compressed gas in a non-DOT inside plastic coated glass bottle, packed in strong outside fiberboard boxes. (Modes 1, 2, 3, 4.)
4612-P	DOT-E 4612	Polyscience, Inc., Warrington, Pa	49 CFR Part 173	To become a party to Exemption 4612 (see Application No. 4612-X). (Mode 1.)
4726-X	DOT-E 4726	U.S. Department of Energy, Washington, D.C.	49 CFR 173.245	To ship certain corrosive liquids in non-DOT specification seamless monel cylinders. (Mode 1.)
4790-X	DOT-E 4790	Smith & Wesson/General Ordnance Equipment Co., Rock Creek, Ohio.	49 CFR 173.305(d), 173.385(a)(1).	To ship an irritating material in non-DOT specification inside containers overpacked in DOT Specification 12B.
4844-X	DOT-E 4844	Bristol Aerojet, Ltd., Avon, England	49 CFR 173.301(i), 173.302, 173.304.	To ship certain nonflammable gases in non-DOT specification foreign-made steel cylinders. (Mode 1.)
4850-X	DOT-E 4850	NL McCullough, Houston, Tex.; Halliburton, Co.	49 CFR 173.100(cc), 175.3	To ship an explosive in strong wooden or fiberboard boxes in compliance with 173.104. (Modes 1, 2, 4.)
5196-P	DOT-E 5196	Atlantic Richfield Co., Philadelphia, Pa	49 CFR 172.101, 173.315(a)(1)	To become a party to Exemption 5196 (see Application No. 5196-X). (Mode 1.)
5206-P	DOT-E 5206	Gulf Oil Chemical Co., Morriam, Kans	49 CFR 173.182(c)	To become a party to Exemption 5206 (see Application No. 5206-X). (Mode 1.)
5315-X	DOT-E 5315	U.S. Department of Defense, Washington, D.C.	49 CFR 173.87	To ship a Class A explosive in a non-DOT specially designed temperature controlled semitrailer. (Mode 1.)
5414-X	DOT-E 5414	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 172.101, 173.315(a)	To ship a flammable gas in a non-DOT specification portable tank designed and constructed in accordance with the ASME Code. (Mode 1.)
5820-X	DOT-E 5820	I.C.I. United States Inc., Wilmington, Del.	49 CFR 173.315(a)	To ship certain nonflammable gases in non-DOT specification intermodal portable tanks. (Mode 1, 2, 3.)
5972—P	DOT-E 5972	Atlantic Container Line, Ltd., New York, N.Y.	49 CFR 173.119(b), 173.125, 173.128; 46 CFR 98.35.	To become a party to Exemption 5972 (see Application No. 5972—X). (Modes 1, 3).
6045-X	DOT-E 6045	Union Carbide Corp., Tarrytown, N.Y	49 CFR 173.121	To ship a flammable liquid in DOT Specification MC-312 cargo tanks. (Modes 1, 3.)
6071-X	DOT-E 6071	The Boeing Co., Seattle, Wash	49 CFR 173.304, 173.305, 175.3	To ship a nonflammable compressed gas in a non-DOT specification stainless stel pressure vessel complying with DOT Specification 4DA with certain exceptions. (Modes 1, 2, 4, 5.)
6080-X	DOT-E 6080	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.301(d), 173.337(a)(1).	To ship a certain class A poison in DOT Specification 3A2400 or 3AA2500 cylinders. (Mode 1).
6111-X	DOT-E 6111	Liquid Carbonic Corp., Chicago, Ill	49 CFR 173.315(a)	To ship a flammable gas in a non-DOT specification insulated cargo tank designed and constructed in accordance with sec. VIII of the ASME Code. (Mode 1).
6154-X	DOT-E 6154	Uniroyal Chemical, Naugatuck, Conn	49 CFR 173.154(a) (12), 178.205-16.	To ship certain flammable solids in a modified DOT Specification 12B fiberboard box. (Modes 1, 2, 3.)
6253-P	DOT-E 6253	Forwarding Services, New York, N.Y	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To become a party to Exemption 6253 (see Application No. 6253-X). (Modes 1, 2, 3.)
6267-P	DOT-E 6267	Alden Leeds, Inc., South Kearny, N.J	49 CFR 173.217(a)	To become a party to Exemption 6267 (see Application No. 6267-X). (Modes 1, 2, 3.)
6305-X	DOT-E 6305	Monsanto Co., St. Louis, Mo.; IMC Chemical Group, Inc., Allentown, PA.	49 CFR 173.113(a)(1)	To ship a certain class C explosive in DOT Specification 23F35 fiberboard boxes. (Modes 1, 2.)
6392-X	DOT-E 6392	Stauffer Chemical Co., Westport, Conn	49 CFR 172.101, 173.314(c)	To ship a liquefied flammable compressed gas in a non-DOT specification vacuum insulated tank car tank. (Mode 2).
6442-X	DOT-E 6442	U.S. Department of Defense, Washington, D.C.	49 CFR 173.53(k), 173.87	To ship certain military hybrid ammunition. (Modes 1, 2.)
6484-X	DOT-E 6484	Dow Chemical Co., Midland, Mich	49 CFR 172.101	To ship flammable liquids in DOT Specification MC-307 or MC-312 tank motor vehicle. (Mode 1.)
6497-X	DOT-E 6497	FMC Corp., Philadelphia, Pa	49 CFR 173.365, 174.63(c)	To ship a class B poison solid in DOT Specification 56 metal portable tanks, with certain exceptions. (Modes 1, 2.)
6598-X	DOT-E 6598	Dow Chemical Co., Midland, Mich	49 CFR 173.245(a)(16)	To ship a certain corrosive liquid in a DOT Specification 6D steel Cylindrical overpack. (Modes 1, 2.)
6616-X	DOT-E 6616	Fenwal Inc., Ashland, Mass	49 CFR 173.304(a) (1), 175.3	To manufacture, mark and sell non-DOT specification pressure vessels for shipment of nonflammable compressed gases. (Modes 1, 2, 3, 4, 5.)
6670-X	DOT-E 6670	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.301(d), 173.302	To ship a certain nonliquefied, nonflammable compressed gases in DOT Specification 3A2400, 3AA2400, 3AX2400 and 3AAX2400 cylinders. (Mode 1).
6724-X	DOT-E 6724	U.S. Department of Defense, Washington, D.C.	49 CFR 172.101, 173.89, 175.3	To ship a class C explosive in non-DOT specification inside fiberboard boxes overpacked in wooden boxes. (Modes 1, 4.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		RENEWALS—Continued		
6754-X	DOT-E 6754	Eaton Corp., Southfield, Mich	49 CFR 173.302(a) (4), 178.65, 175.3.	To ship a nonflammable compressed gas in a non-DOT specification nonrefillable welded steel pressure vessel. (Modes 1, 2, 3, 4.)
6762-X	DOT-E 6762	DuBois Chemicals, Cincinnati, Ohio	49 CFR 173.286(b) (2), (c), 175.3	To ship certain corrosive and flammable liquids in non-DOT specification plastic inside boxes and fiberboard outside boxes. (Modes. 1, 2, 4.)
6794-X	DOT-E 6794	FCX, Inc., Raleigh, N.C	49 CFR 173.358, 173.359	To ship a class B poisonous liquid in non-DOT specification twin tanks. (Mode 1).
6800-X	DOT-E 6800	Plasti-Drum Corp., Lockport, Ill	49 CFR 173, 178.19	To manufacture, mark and sell non—DOT specification polyethylene containers for shipment of certain oxidizers, corrosive liquids, class B poisons, flammable liquids, and a corrosive solid. (Modes 1, 2, 3.)
6811-X	DOT-E 6811	Eaton Corp., Southfield, Mich	49 CFR 173.302(a) (4), 178.65, 175.3.	To ship a nonflammable compressed gas in a nonrefillable welded steel cylinder built in compliance with DOT Specification 39 with certain exceptions. (Modes 1, 2, 3, 4.)
6820-P	DOT-E 6820	HASA Chemical Inc., Saugus, Calif	49 CFR 173.217(a)	To become a party Exemption 6820 (see Application No. 6820-X). (Mode 1.)
6858-X	DOT-E 6858	Eurotainer Co., Paris, France; Bacardi International Ltd., Hamilton, Bermuda.	49 CFR 173.119, 173.125, 173.245, 173.346; 46 CFR 90.05-35.	To ship certain hazardous materials in a non-DOT specification stainless steel portable tank. (Modes 1, 2, 3.)
6890-X	DOT-E 6890	U.S. Department of Defense, Washington, D.C.	49 CFR 173.100(cc), 175.3	To ship class C explosives in a non-DOT specification specially designed wooden box. (Modes 1, 2, 3, 4.)
6908-X	DOT-E 6908	Airesearch Manufacturing Co. of Arizona, Phoenix, Ariz.	49 CFR 173.302(a)(1), 175.3	To ship compressed gases in non-DOT specification nonrefillable steel spherical pressure vessels, constructed in compliance with DOT Specification 39 with certain exceptions. (Modes 1, 2, 4.)
6944-X	DOT-E 6944	U.S. Department of Defense, Washington, D.C.	49 CFR 173.62(a), 177.834(L)(1).	To ship a certain class A explosive in non-DOT specification specially designed stainless steel desiccators. (Mode 1.)
6984-X	DOT-E 6984	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Hercules Inc., Wilmington, Del.; Energy Science and Consultants, Biwabik, Minn.; Atlas Powder Co., Dallas, Tex.; Trojan Powder Co., Cleveland, Ohio; Austin Powder Co., Cleveland, Ohio; Piedmont Explosives, Inc., Statesville, N.C.; Hazard Explosives Co., Hazard, Ky.	49 CFR 173.66(g), 173.103(a), 173.835.	To ship certain class C explosives in non-DOT specification inside pasteboard cartons or tubes, overpacked in an IME 22 container. (Mode 1.)
7010-P	DOT-E 7010	Ameribrom, Inc., New York, N.Y	49 CFR 173.252(a)(4)	To become a party to Exemption 7010 (see Application No. 7010-X). (Modes 1, 3.)
7014-X	DOT-E 7014	Hugonnet S.A., Paris, France	49 CFR 173.125(a)	To ship flammable liquid in a type IC, non-DOT specification stainless steel portable tank. (Modes 1, 2, 3.)
7023-X	DOT-E 7023	Western Electric, Greensboro, N.C	49 CFR Part 173	To ship an oxidizer or corrosive material in non-DOT specification steel portable tanks built in compliance with DOT Specification 60 with certain exceptions. (Mode 1.)
7066-X	DOT-E 7066	The Procter & Gamble Manufacturing Co., Cincinnati, Ohio; Societe Anonyme Pour L'Industrie Chimique, Mulhouse Cedex, France.	49 CFR 173.119(m), 173.346	To ship certain flammable and class B poisonous liquids in non-DOT specification portable tanks. (Modes 1, 3.)
7202-X	DOT-E 7202	Waters Instruments, Inc., Rochester, Minn..	49 CFR 173.24(a)(1), 175.3, 175.75(a)(1), 173.85.	To ship a certain nonflammable compressed gas in the cabin of a passenger-aircraft. (Mode 4.)
7423-P	DOT-E 7423	Rossborough Manufacturing Co., Cleveland, Ohio; Armco Steel Corp., Middletown, Ohio.	49 CFR 173.220, 173.154	To become a party to Exemption 7423 (see Application No. 7423-X). (Modes 1, 2, 3.)
7453-X	DOT-E 7453	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.93	To ship a class B explosive in polyethylene bag, overpacked in a DOT Specification 14 wooden box. (Mode 3.)
7483-X	DOT-E 7483	Hugonnet, S.A., Paris, France	46 CFR 90.05-35; 49 CFR 173.119, 173.245(a), 173.131(a)(1), 173.132(a)(1), 173.144(a)(1).	To ship certain hazardous materials in a non-DOT Specification portable tank. (Modes 1, 2, 3.)
7516-P	DOT-E 7516	Eastern Mediteranean (Container) Co., Ltd., London, England.	49 CFR 173.119, 173.125; 173.245, 173.346; 46 CFR 90.05-35.	To become a party to Exemption 7516. (see Application No. 7516-X). (Mode 3.)
7595-X	DOT-E 7595	American Cyanamid Co., Wayne, N.J	49 CFR 173.358, 173.359	To ship a poison B liquid in DOT Specification MC-312 cargo tanks. (Mode 1.)
7610-X	DOT-E 7610	Dewey and Almy Chemical Division, San Leandro, Calif.	49 CFR 173.119	To ship certain flammable liquids in ASME designed steel portable tanks. (Modes 1, 3.)
7613-X	DOT-E 7613	Rexnord, Inc., Brookfield, Wis	49 CFR 173.245(a)(17), 175.3	To ship corrosive materials in a non-DOT specification unlined metal container. (Modes 1, 2, 3, 4.)
7640-XDOT-E	DOT-E 7640	Mauser Packaging Ltd., New York, N.Y	49 CFR 173.266(a), 178.19	To ship hydrogen peroxide solution in a DOT Specification 34 polyethylene container. (Modes 1, 2, 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		RENEWALS		
7671-X	DOT-E 7671	Hugonnet, S.A., Paris, France	46 CFR 90.05-35; 49 CFR Part 173.	To ship certain hazardous materials in non-DOT specification portable tanks. (Modes 1, 2, 3.)
7699-X	DOT-E 7699	Union Carbide Corp., Tarrytown, N.Y	49 CFR 173.119(m)	To ship a flammable liquid in a DOT Specification 51 portable tank. (Modes 1, 2.)
7759-X	DOT-E 7759	Shell Oil Co., Houston, Tex	49 CFR 173.119(m)	To ship a flammable liquid in a non-DOT specification portable tank designed and constructed in accordance with sec. VIII of the ASME Code. (Modes 1, 3.)
7775-X	DOT-E 7775	Atlas Powder Co., Dallas, Tex	49 CFR 174.81, 176.83, 176.410(c)(2).	To ship certain oxidizers with dynamite in a roll-on, roll-off rail car aboard a cargo vessel without a bulkhead separating the materials. (Modes 2, 3.)
7793-X	DOT-E 7793	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	49 CFR 173.245	To ship a corrosive liquid in a non-DOT specification, insulated, portable tank complying with IMCO Type 1 portable tank specifications. (Modes 1, 2, 3.)
7798-X	DOT-E 7798	Ro-Go Chemical Co., Fresno, Calif	49 CFR 173.248	To ship a corrosive materials in a DOT specification 12B corrugated fiberboard box with inside polyethylene container. (Mode 1.)
7808-X	DOT-E 7808	Whitmire Research Laboratories, Inc., St. Louis, Mo.	49 CFR 172.101, 173.34(d), 175.3	To ship flammable or nonflammable gas in a DOT Specification 39 cylinder. (Modes 1, 2, 3, 4.)
7819-X	DOT-E 7819	Hugonnet, S.A., Paris, France; Eurotainer, Paris, France.	46 CFR 90.05-35; 49 CFR Part 173.	To ship certain hazardous material in non-DOT Specification IMCO Type 1 insulated portable tank. (Mode 1, 2, 3.)
7828-X	DOT-E 7828	Alaska International Air, Fairbanks, Alaska.	49 CFR CFR 172.101, 175.3	To transport a flammable gas in DOT Specification steel portable tank. (Mode 4.)
7872-X	DOT-E 7872	Magna Corp., Houston, Tex	49 CFR 173.122(a)(6)	To ship a certain flammable liquid in an insulated DOT Specification 51 portable tank. (Modes 1, 2, 3.)
7992-P	DOT-E 7992	FMC Corp., Philadelphia, Pa	49 CFR 173.225(b)(2), 178.252-1(b).	To become a party to Exemption 7992 (see Application No. 7992-X). (Modes 1, 2.)
8005-P	DOT-E 8005	Intsel Corp., New York, N.Y	49 CFR 173.266	To become a party to Exemption 8005 (see Application No. 8005-N). (Modes 1, 2, 3.)
		NEW EXEMPTIONS		
7941-N	DOT-E 7941	Pressed Steel Tank Co., Milwaukee, Wis	49 CFR 173.302(a)(1), 173.304(a)(1).	To manufacture, mark and sell non-DOT specification seamless cylinders for shipment of certain liquefied and non-liquefied compressed gas and certain hazardous materials. (Modes 1, 2.)
7948-N	DOT-E 7948	Clark Tank & Manufacturing Co., Inc., Long Beach, Calif.	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks for shipment of waste flammable liquids and corrosive liquids. (Mode 1.)
7952-N	DOT-E 7952	Albright & Wilson, Ltd., Norwood, N.J	49 CFR 173.270, 178.87	To ship corrosive material in non-DOT specification lead-lined steel drums. (Modes 1, 2, 3.)
7957-N	DOT-E 7957	Process Engineering, Inc., Plaistow, N.H	49 CFR 173.33(a), 173.315(a)(1), 177.824(c)(4), 178.337.	To manufacture, mark and sell non-DOT specification aluminum cargo tanks for shipment of liquefied carbon dioxide. (Mode 1.)
7969-N	DOT-E 7969	Royalvac, Inc., Fort Lauderdale, Fla	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell certain non-DOT specification cargo tanks for shipment of waste flammable liquids and corrosive liquids. (Mode 1.)
7987-N	DOT-E 7987	Stauffer Chemical Co	49 CFR 173.343, 173.377	To ship a poison B in non-DOT specification kraft multiwall bags. (Modes 1, 2.)
7996-N	DOT-E 7996	Union Carbide Corp., Bound Brook, N.J	49 CFR 173.119(m)(9), 178.61	To ship a flammable liquid in a non-DOT specification cylinder made in accordance to DOT Specification 4BW-225 with certain exceptions. (Modes 1, 3.)
8000-N	DOT-E 8000	Fauvet-Girel, Paris, France	49 CFR Part 173	To ship certain flammable, corrosive, irritating, class B poisonous and combustible liquids. (Modes 1, 2, 3.)
8025-N	DOT-E 8025	Dow Chemical Co., Freeport, Tex	49 CFR 173.154	To ship a water reactive solid in closed, watertight hopper rail cars and motor vehicles. (Modes 1, 2.)
8035-N	DOT-E 8035	NL McCullough, Houston, Tex	49 CFR 173.100(v), 173.112	To ship a class C explosive in a plastic tube packed in a DOT Specification 12B fiberboard box. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		NEW EXEMPTIONS—Continued		
8045-N	DOT-E 8045	Container Corporation of America, Wilmington, De.	49 CFR Part 173, 178.24, 178.211.	To manufacture, mark and sell DOT Specification 12P corrugated fiberboard box having two DOT-2U inner containers for shipment of corrosive, flammable and Class B poisonous liquids. (Modes 1, 2, 3.)
8052-N	DOT-E 8052	Sport Spec International, Ltd., Louisville, Ky.	49 CFR 173.178	To ship a flammable sold on water-tight metal cans, packed in DOT Specification 12B fiberboard boxes. (Modes 1, 2.)
8070-N	DOT-E 8070	Olin Corp., East Alton, Ill	49 CFR 173.93(b)	To ship propellant explosives in water in DOT Specification 17H steel drums. (Mode 1.)
8073-N	DOT-E 8073	Gasynergy, Inc., Denver, Colo	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To ship a compressed natural gas in DOT Specification 3AAX2400 cylinders made of 4130X steel. (Mode 1.)
		EMERGENCY EXEMPTIONS *Applications Received and Granted*		
EE8077-N	DOT-E 8077	Dow Corning Corp., Midland, Mich	49 CFR 173.247(a)(7)	To ship a corrosive material in non-DOT specification steel drums. (Modes 1, 2.)
EE8089-N	DOT-E 8089	Illinois Central Gulf Railroad, Chicago, Ill.	49 CFR 174.50	To ship a flammable liquid in DOT Specification cargo tanks. (Mode 2.)

DENIALS

5849-X—Request by Diamond Shamrock Corp., Cleveland, Ohio—To ship calcium hypochlorite mixtures in DOT Specification 21C fiber drums, denied October 25, 1978, as being unnecessary. (HM-121 obviates the need)

6908-P—Request by Rockwell International, Columbus, Ohio—To become a party to exemption 6908 for the shipment of compressed gases in non-DOT specification steel spherical pressure vessels, denied October 31, 1978.

7094-P—Request by American Cyanamid Co., Wayne, N.J.—To become a party to Exemption 7094 for the stowage of certain corrosive materials aboard a vessel, denied October 26, 1978, as being unnecessary.

7240-P—Request by Rexnord Inc., Brookfield, Wis.—To become a party to Exemption 7240 for shipment of certain corrosive liquids in a DOT Specification 12B fiberboard box, denied October 18, 1978, as being unnecessary.

7413-X—Request by Chilton Metal Products, Chilton, Wis.—To reconsider the denial of application to authorize reduction in the cylinder sidewall thickness, denied October 6, 1978.

7837-P—Request by Sea-Land Service, Inc., Elizabeth, N.J.—To become a party to Exemption 7837 for the shipment of cigarette lighters in non-ventilated freight containers by cargo vessel, denied October 18, 1978, as being unnecessary.

7863-N—Request by Paragon Molding Co., Melrose Park, Ill.—To authorize the use of non-DOT specification removable head polyethylene containers for shipment of corrosive liquids, denied October 20, 1978.

7982-N—Request by Applied Equipment Co., Van Nuys, Calif.—To ship nonflammable gases in non-DOT specification welded high-pressure cylinders made of PH 15-5 corrosion resistant steel, denied October 10, 1978.

8030-N—Request by Jet Research Center, Inc., Arlington, Tex.—To transport charged oil well jet perforating guns having a detonating fuze, Class C explosives installed, denied October 12, 1978.

8038-N—Request by Rea Magnet Wire Co., Inc., Fort Wayne, Ind.—For re-use of DOT Specification 17E drums for shipment of a flammable waste product, denied October 20, 1978.

8062-X—Request by Hamill Manufacturing Co., Washington, D.C.—To qualify shipment of an explosive power device, Class B or C, when shipped as an integral part of a passive restraint system, as a nonregulated material, denied October 6, 1978.

8075-N—Request by Hercules Inc., Wilmington, Del.—To authorize loading of certain oxidizers aboard vessels at other than remote facilities, denied October 18, 1978.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 78-33764 Filed 12-6-78; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

[Docket No. IP78-11; Notice 1]

AMERICAN HONDA MOTOR CO., INC.

Receipt of Petition for Inconsequential Noncompliance

American Honda Motor Co., Inc., of Gardena, California, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act for a noncompliance with 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.3.2 of Standard No. 105 requires that all brake system indicator lamps shall be activated as a check of lamp function when the ignition switch is turned to the "on" position when the engine is not running. Honda has informed NHTSA that this will not occur in Honda passenger cars manufactured between January 1, 1976, and the end of the 1978 model year unless the hand brake is applied when the ignition switch is turned "on". The total number of vehicles involved is 600,000. NHTSA had initially discovered this failure in compliance tests of the 1978 Honda Accord (CIR File 1985). For several reasons Honda argues that the noncompliance is inconsequential as it relates to motor vehicle safety. It has never received any complaint relating to the warning system. Its operator manuals recommend starting the car with the hand brake applied and if this procedure is followed, the lights would be checked. Finally, in order to constitute a hazard, several events would have to occur in sequence—failure of the driver to apply the hand brake during parking and starting, followed by failure of the lamp, followed by failure of the brake system.

Interested persons are invited to submit written data, views and arguments on the petition of American Honda Motor Co., described above. Comments shold refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment clos-

ing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: January 8, 1979.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on November 29, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 78-33901 Filed 12-6-78; 8:45 am]

[4910-13-M]

Federal Aviation Administration

INTERCHANGE ARRANGEMENTS INCLUDING OPERATION OF CONCORDE AIRCRAFT BETWEEN DALLAS AND EUROPE

SUMMARY: The Federal Aviation Administration (FAA) in response to the recent change in the Federal Aviation Act of 1958 (Act) and requests from aircraft users is considering an interchange policy with respect to the eligibility and mechanisms for obtaining U.S. registration for aircraft being used under certain interchange arrangements. The first such program would involve utilization of the Concorde airplane by a United States flag air carrier in transportation of passengers between Dulles International Airport (Dulles) and the Dallas/Fort Worth International Airport (Dallas). Similar operational programs could be authorized using different aircraft types should any U.S. air carrier wish to do so provided equivalent safety and factual circumstances are met. Comments on this proposed program are solicited from the public. While the FAA contemplates certain rule making action of a technical nature to facilitate the mechanisms for registering the Concorde in question, as well as a more all encompassing amendment to Part 47 of the Federal Aviation Regulations (14 CFR Part 47) to reflect the "alien registration" amendments to Section 501 of the Act (49 U.S.C. 1401), it is believed that to facilitate public awareness this policy should be published and the public provided an opportunity to comment.

DATE: Comments must be received on or before December 27, 1978.

ADDRESSES: Send comments on the policy statement in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Public Docket (AGC-24), Docket No. 18566, 800 Independence Avenue, S.W., Washington, DC. 20591.

FOR FURTHER INFORMATION CONTACT:

Clark H. Onstad, Esq., Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, 202-426-3773.

BACKGROUND

Braniff International Airways (Braniff) is a United States flag air carrier which has been issued economic authority and given route approval for operations between Dulles and Dallas by the Civil Aeronautics Board (Board). Braniff is eligible to operate any aircraft on this route, if it is registered as a civil aircraft of the United States and it meets various other regulatory requirements. Braniff has proposed that it operate a foreign-owned Concorde on this route under an arrangement with British Airways Board (British Airways) and Campagnie National Air France (Air France). The Board has issued route authority to Braniff, and Braniff has opted to use the Concorde on a daily interchange basis. For Braniff's decision to be implemented, certain actions must be taken by the FAA.

The FAA has heretofore never been confronted with the administrative problems involving registration associated with an operation where the registration of the aircraft must change on a flight by flight basis. There have been however lease arrangements involving a change of registration every few monts (e.g. an Eastern Air Lines/Air Canada cross-lease arrangement was approved by the FAA in December, 1972, by Agency Order 8000.27). With the recent passage of the amendment to section 501 of the Act, it has become possible to effectuate a flight by flight interchange arrangement between a U.S. air carrier and a foreign air carrier where the aircraft is owned by a foreign interest incorporated in the United States. Significantly there was and is no problem of registration confronting a proposed interchange where the aircraft is owned by a U.S. air carrier rather than the foreign air carrier.

The Braniff proposal presents the FAA with a situation where: (a) Braniff will have economic authority issued by the Board to operate under the interchange agreement (certain questions about the interchange are still pending before the Board), (b) there is no sefety question due to the extensive cooperation between U.S., French and British authorities on the certification and maintenance program of the aircraft, (c) the aircraft will be U.S. certificated and maintained in accordance with the requirements of the FARs, (d) the environmental considerations have been extensively considered and resolved (Amendment 91-153, "Noise and sonic Boom Requirements," as published in the Federal Register (43 FR 28406, June 29, 1978)) and, (e) but for the fact that the aircraft are owned by British Airways and Air France rather than Braniff and, the standard registration procedures cannot accommodate the time constraints the interchange agreement imposes on the transfer of the aircraft to Braniff's operations, these operations could go forward without the new registration mechanism. It should also be noted that through the International Civil Aviation Organization (ICAO), the U.S. has supported an amendment to the Chicago Convention to facilitate the lease, charter and interchange of aircraft, without a change of registry.

THE PROGRAM

Braniff's proposal is that British Airways and Air France operate a Concorde (under foreign registry) to Dulles Airport. After arrival at Dulles, the Concorde will be operated at subsonic speed by Braniff over its Dulles/Dallas route. Braniff will return the Concorde at subsonic speed from Dallas to Dulles at which time it will be operated across the Atlantic by the foreign air carrier.

This proposal permits the direct Concorde ticketing of passengers from Europe, through Dulles to Texas, although the sequenced flight will be separately operated by air carriers of two different nations.

In connection with this arrangement, the FAA has been contacted by representatives of Braniff, the two foreign air carriers, and the Civil Aviation Authorities of the United Kingdom and of the Republic of France. As a result of these discussions, procedures were proposed to conform this arrangement with the Act and the FARs to allow implementation of the Board's order.

OWNERSHIP

Section 501(c) of the Act (49 U.S.C. 1401) states that a Certificate of Aircraft Registration shall only be issued to the "owner" of the aircraft, and section 501(b) of the Act [as amended by Public Laws 95-163 and 95-241] provides in pertinent part that:

(b) An aircraft shall be eligible for registration if, but only if—
(1)(A) it is—

* * * * *

(ii) owned by a corporation (other than a corporation which is a citizen of the United States) lawfully organized and doing busi-

ness under the laws of the United States or any State thereof so long as such aircraft is based and primarily used in the United States; and

(B) it is not registered under the laws of any foreign country; * * *

In order to meet this requirement, it has been proposed that the "owner"—as to the British Airway's Concorde—will be a subsidiary of that air carrier, incorporated in the United States (corporation). United States registration is thus permissible under section 501(b) of the Act since the corporation—although it be foreign controlled—will be organized and doing business under the laws of a State, and the Concorde, while registered in the United States, will be based and used exclusively within the United States. A comparable pattern will be adopted for the French Concorde. This application of "based and primarily used in" will be set forth in a Special Federal Aviation Regulation which will be issued shortly.

The qualifying ownership interests in the Concorde by the corporation will be created by a document in the nature of a lease or bailment, from the foreign air carrier to the corporation. This document will contain terms consistent with section 101(16) of the Act (49 U.S.C. 1301) whereby the corporation becomes, or has the option of becoming, the complete owner of the Concorde (in accordance with section 501(c) of the Act) at the termination of the agreement.

REGISTRATION

Foreign civil aircraft are not permitted to take on commercial passengers at any point within the United States for transport to another point in the United States (Section 1108(b) of the Act (49 U.S.C. 1507)). Scheduled interstate air transportation is authorized only to a flag or domestic air carrier of the United States holding both a Certificate of Public Convenience and Necessity (issued by the Board) and an Operating Certificate (issued by the FAA). To effectuate the provisions of Section 1108(b) of the Act, Part 121 of the FARs (14 CFR 121) prohibits flag air carrier operation of civil aircraft unless it first be registered in the United States.

Section 47.37 of the FARs (14 CFR § 47.37) (which implements the Chicago Convention, (61 Stat. 1180) states that in order to register an aircraft, it must be shown that the foreign registration has ended or is invalid. To comply with this requirement, it is proposed that the Concorde's British or French registration will be terminated when the flight from Europe lands at Dulles at which time an application will be filed for U.S. registration. United States registration can then be effected after a local designee of the foreign civil aviation registry confirms that the foreign registration has been cancelled.

When the Concorde returns to Dulles from Dallas, the United States registration will be cancelled at which time British or French registration will be issued and the foreign air carrier can operate the Concorde out of the U.S. Under this arrangement, the aircraft remains under United States registration only while operated by Braniff in interstate air transportation. This is consistent with the recent amendments to section 501(b) (1) (A) (ii) of the Act, to the effect that, when registered to a foreign-controlled corporation, the primary use of the aircraft must be within the United States. It is to be noted that the aircraft will always be under the registry of one nation or the other since the deregistration and the registration will take place in direct time sequence. In order to accomplish this arrangment, it is necessary for the parties to file for recordation with the FAA Aircraft Registry a document of title, or of any of the various qualifying ownership interests above discussed.

It is expected that the corporation will then enter into a lease or sublease to Braniff, authorizing its use in interstate air transportation during such time as the Concorde is under United States registry.

In view of the direct ticketing of passengers from Europe through Dulles to Texas and from Texas through Dulles to Europe, the period of time the Concorde will be at Dulles is too short a duration to accomplish registration and deregistration following normal registry procedures. In order to accomplish this registration and deregistration, a Memoranda of Understanding will be entered into between the FAA and the agencies of the United Kingdom and of the Republic of France having authority for aircraft registration. These procedures will provide for the designation of agents of the respective registries who willl be available at Dulles to process the registration applications, forms, and notices.

Exemptions from certain administrative provisions of the aircraft registration provisions of Part 47 of the FARs (14 CFR Part 47) will be granted to the extent necessary to permit the expedited processing of this registration and deregistration by the FAA Aircraft Registry. The exemption will permit the use of registration forms designed for the interchange operation in lieu of FAA Form 8050-1 and permit the applications for registration and notices to be filed with an agent of the FAA Aircraft Registry stationed at Dulles instead of filing them at the Registry's office in Oklahoma City, Oklahoma.

OTHER AREAS OF IMPLEMENTATION

The following areas must also be addressed in connection with the proposal as it applies to ownership and registration:

1. The Concorde cannot be operated as proposed until a Type Certificate has been issued by the FAA. An application for type certification is pending before the FAA.

2. Even when type certificated and registered in the United States, a Concorde may not be operated by a flag carrier without an appropriate United States airworthiness certificate, confirming that the aircraft conforms to the United States Type Certificate and is airworthy. After the FAA issues a U.S. airworthiness certificate for the Concorde, its continued airworthiness is assured by the aircraft's maintenance program. The Concorde is the first aircraft to have its maintenance program established by a tripartite Maintenance Review Board (MRB) composed of representatives of the airworthiness authorities of the United States, Great Britain and France. The maintenance program will be accomplished by qualified foreign repair stations certificated by the FAA under Part 145 of the FARs (14 CFR Part 145). Thus the Concorde will be operated at all times under the FAA approved maintenance program. In addition, a tripartite Flight Operations Evaluation Board (FOEB) established the Minimum Equipment List (MEL) which will be applicable to the Concorde operations. In view of these tripartite actions and in order to expedite the reissuance of the airworthiness certificate each time the Concorde is registered in the United States, Braniff has applied for an exemption from the provisions of §§21.181 and 21.183 of the FARs to allow the retention of the airworthiness certificate during the period of time that the aircraft is not on the U.S. registry and to allow it to reissue the airworthiness certificate when the aircraft is returned to the U.S. registry. This petition is presently being reviewed by the FAA.

3. Systems for issuance of aircraft identification numbers (registration marks) vary between the United States and the two foreign States: Techniques being worked on by the parties will permit changes at Dulles of British (or: French) markings, into acceptable United States markings.

Issued in Washington, D.C., on December 5, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-34302 Filed 12-6-78; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CUMENE FROM ITALY

Antidumping; Discontinuance of Antidumping Investigation

AGENCY: Treasury Department.

ACTION: Final discontinuance of antidumping investigation.

SUMMARY: This notice is to advise the public that is has been determined to discontinue the antidumping investigation concerning cumene from Italy because the margin of dumping involved is minimal in relation to the volume of exports and appropriate assurances have been received that in the future sales will not be made at less than fair value. Future shipments will be monitored in order to insure that the price assurances are not being violated.

EFFECTIVE DATE: December 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229, telephone (202) 566-5492.

SUPPLEMENTARY INFORMATION: On January 17, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Gulf Oil Chemicals Co,. a division of Gulf Oil Corp., alleging that cumen from Italy 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.*) (referred to in this notice as the "Act"). An "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER on February 23, 1978 (43 FR 7497). A "Notice of Tentative Discontinuance of Antidumping Investigation" was published in the FEDERAL REGISTER on September 1, 1978 (43 FR 39206).

DISCONTINUANCE OF ANTIDUMPING INVESTIGATION

On the basis of information developed in the Customs investigation and for the reasons noted below, pursuant to § 153.33(d) of the Customs Regulations (19 CFR 153.33(d)), I hereby determine that the antidumping investigation concerning cumene from Italy should be discontinued.

STATEMENT OF REASONS ON WHICH THIS DISCONTINUANCE IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the investigation.* Virtually all the cumene imported from Italy was manufactured by Saras Chimica, a subsidiary of ANIC S.p.a. Therefore, the investigation was limited to this manufacturer.

b. *Basis of comparison.* For the purpose of considering whether the merchandise is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison was determined to be between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States were made to non-related customers. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold by Saras Chimica in the home market in sufficient quantities to provide a basis for comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning sales in the home market and to the United States during the period September 1, 1977 through February 28, 1978.

c. *Purchase price.* For the purposes of this discontinuance, since all merchandise was purchased, or agreed to be purchased, prior to the time of exportation, by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the f.o.b. plant price to unrelated United States purchasers. No adjustments were deemed appropriate to these prices.

d. *Home market price.* For the purposes of this discontinuance, the home market price has been calculated on the basis of the f.o.b. plant price to unrelated Italian purchasers. No adjustments to this price were claimed or made. The merchandise sold in the home market was identical to that sold to the United States.

The petitioner claimed that sales made under a barter agreement should be included in the calculation of the home market price. Since the barter agreement was reached in a prior period, the inclusion of this transaction in the calculation was deemed inappropriate.

e. *Cost to produce.* The petition contained a sufficient allegation that sales of the subject merchandise in the home market were being made at less than the cost of production, pursuant to section 205(b) of the Act (19 U.S.C. 164(b)). An analysis of the Italian manufacturer's production costs, which were taken from actual records reflecting material, labor, and general expenses, indicates that the home market sales were not below the cost of production.

The petitioner claimed that the cost of materials should be based on the invoice prices of such materials, or if this is a related party transaction and therefore omits some element of cost, the European contract prices to third parties. No adjustment to the cost reported for materials was deemed appropriate. The costs reported for benzene were the actual prices paid to unrelated suppliers, or the production cost of materials manufactured by the respondent. The cost of propylene was based on its "fuel value," calculated as a ratio of the BTU yield of propylene to fuel oil, and then converted to monetary terms by applying this ratio to the market value of fuel oil. Saras Chimica claimed that the plant site in Sardinia had been chosen due to the low cost supply to propylene available there.

The petitioner claimed that cost incurred by the parent company (ANIC) should be included in the cost of production. These costs are billed to Saras Chimica as incurred and were included in the cost of production.

The credit taken for by-products was shown to reflect their actual selling prices and was deemed the appropriate measure for the credit.

The petitioner claimed that the production of the merchandise in Italy might benefit from a government subsidy. However, no evidence that any subsidies are received was presented and, in any event, a countervailing duty proceeding would be the appropriate forum for such claims.

f. *Result of fair value comparisons.* Using the above criteria, comparisons were made on virtually all of the sales of the subject merchandise to the United States by Saras Chimica during the representative period and these comparisons indicated that the purchase price was less than the home market price of such or similar merchandise. Margins were found to be approximately 0.5 percent on all sales to the United States. These margins have been determined to be minimal in relation to the volume of exports involved. In addition, formal assurances have been received from counsel acting on behalf of Saras Chimica that Saras Chimica will make no future sales at less than fair value within the meaning of the Act. These assurances were filed in accordance with § 153.33(c), Customs Regulations (19 CFR 153.33(c)).

For the reasons stated above, the antidumping investigation of cumene from Italy is being discontinued in accordance with section 201 (b)(3) of the Act (19 U.S.C. 160(b)(3)), and

§ 153.33(d), Customs Regulations (19 CFR 153.33(d)).

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

This notice is published pursuant to § 153.33(d), Customs Regulations (19 CFR 153.33(d)).

Dated: November 30, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-34147 Filed 12-6-78; 8:45 am]

[4810-22-M]

CUMENE FROM THE NETHERLANDS

Antidumping; Determination of Sales At Not Less Than Fair Value

AGENCY: Treasury Department.

ACTION: Determination of sales at not less than fair value.

SUMMARY: This notice is to advise the public that it has been determined that cumene from the Netherlands is not being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise sold from exportation to the United States is less than the price of such or similar merchandise sold in the exporter's home market or to third countries. This determination closes the investigation.

EFFECTIVE DATE: December 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 17, 1978, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Gulf Oil Chemicals Company, a division of Gulf Oil Corporation, alleging that cumene from the Netherlands 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.*) (referred to in this notice as "the Act"). An "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of February 23, 1978 (43 FR 7497). A "Withholding of Appraisement Notice", for a 6-month period, was published in the FEDERAL REGISTER of September 1, 1978 (43 FR 39205).

DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE

On the basis of the information developed in the Customs investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) I hereby determine that cumene from the Netherlands is not being, nor is likely to be, sold at less than fair value.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

a. *Scope of the investigation.* Virtually all imports of the subject merchandise from the Netherlands were sold for export to the United States by Dow Chemical (Nederlands) B.V. (Dow-Europe). The investigation was therefore limited to sales by Dow-Europe.

b. *Basis of comparison.* For the purpose of this determination, the proper basis of comparison is between exporter's sales price and the third country price of such or similar merchandise. Exporter's sales price, as defined in section 204 of the Act (19 U.S.C. 163), was used since all export sales by Dow-Europe were made to a related importer in the United States, Dow Chemical Company (Dow-USA). Third country prices, as defined in § 153.3, Customs Regulations (19 CFR 153.3), were used since such or similar merchandise was not sold in the home market in sufficient quantities to provide an adequate basis for comparison.

A question has been raised as to whether the transactions used in calculating third country price are of sufficient size to constitute an appropriate basis for determining fair value. Since these sales constitute more than 9 percent of Dow-Europe's total sales during the period of investigation, it is determined that they do provide an adequate basis of comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning sales to the United States during the period of September 1, 1977, through February 28, 1978, and to third countries during the period July 1, 1977, through February 28, 1978.

c. *Exporter's sales price.* For the purposes of this determination, since the merchandise under consideration was further manufactured by the related importer before sale to an unrelated United States purchaser, the exporter's sales price was calculated on the basis of the resale prices of the end products, phenol and acetone, in accordance with section 204 of the Act (19 U.S.C. 163). Adjustments were made for processing costs, including materials, labor and general expenses, and any additional costs and charges incident to bringing the merchandise from the point of shipment in the Netherlands to the point of delivery in the United States, such as ocean freight and insurance. All applicable charges incurred in the resale of the merchandise were included as part of the processing costs. An additional adjustment was made to convert the adjusted price of the end product to a per pound equivalent price of cumene. This adjustment was based on the ratio of the weight of cumene to the weight of the appropriate end product, phenol or acetone.

d. *Third country price.* For purposes of this determination, the third country price has been calculated on the basis of the weighted-average f.o.b. price to unrelated purchasers in Italy and West Germany. Deductions were made for inland freight and insurance. No other adjustments were claimed or made. The third country sales were selected and the prices were calculated to correspond with the time at which the cumene was exported to the United States.

e. *Cost of production.* Since the petition contained a sufficient allegation of sales at less than the cost of production, pursuant to section 205(b) of the Act (19 U.S.C. 164(b)), information was obtained concerning the production cost of cumene in the Netherlands. The cost of production was determined on the basis of the cost of materials, labor, and general expenses incurred in the manufacture and sale of the merchandise, as provided for in § 153.5, Customs Regulations (19 CFR 153.5).

A claim was made for an adjustment for an investment incentive allowance. This allowance is in the form of a reduction in corporate income taxes. This claim was denied since such taxes are not considered to be a part of the production costs. Therefore, any reduction in income taxes cannot be adjusted for as a production cost credit.

On the basis of the information submitted, it has been determined that Dow-Europe is not selling cumene to third countries at less than the cost of producing the merchandise.

f. *Results of fair value comparisons.* Using the above criteria, comparisons were made on approximately 65 percent of the sales of the subject merchandise to the United States during the period of investigation. Those comparisons indicated that the exporter's sales price of cumene from the Netherlands was not less, nor likely to be less, than the third country price of such or similar merchandise. A margin of approximately 0.053 percent was found on 0.03 percent of the sales compared. The weighted average margin of approximately 0.0016 percent was determined to be de minimis in relation to the total volume of such imports from the Netherlands.

Accordingly, the order issued September 1, 1978, to withhold appraisement on the subject merchandise from the Netherlands, which notice is cited above, is hereby revoked effective upon publication of this notice.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

This determination and statement of reasons therefor are published pursuant to § 153.34(d), Customs Regulations (19 CFR 153.34(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

NOVEMBER 30, 1978.

[FR Doc. 78-34146 Filed 12-6-78; 8:45 am]

[4810-22-M]

SILICON METAL FROM CANADA

Antidumping: Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Determination of Sales at Less Than Fair Value.

SUMMARY: Based upon an investigation it has been determined that silicon metal from Canada is being sold at less than fair value within the meaning of the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise for exportation to the United States is less than the price of such or similar merchandise sold in the home market. This proceeding is being referred to the United States International Trade Commission for a determination concerning injury to an industry in the United States.

EFFECTIVE DATE: December 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward F. Haley, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone (202) 566-5492.

SUPPLEMENTARY INFORMATION: On January 4, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Ohio Ferro-Alloys Corporation, Union Carbide Corporation, Interlake, Inc., and Kawecki-Berylco Industries, Inc., indicating that silicon metal from Canada 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.) (referred to in this notice as "the Act").

On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of February 14, 1978 (43 FR 6350). A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of August 29, 1978 (43 FR 38659).

For purposes of this notice, the subject merchandise is silicon metal, unwrought, containing by weight not over 99.7 percent pure silicon; and alloys of silicon metal, unwrought, containing by weight 96 percent or more but less than 99.0 percent silicon.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, silicon metal from Canada is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the investigation.* Virtually all imports of the subject merchandise from Canada during the period covered by this investigation were manufactured by SKW Electro-Metallurgy Canada Limited (hereinafter "SKW"); therefore, the investigation was limited to this manufacturer.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the adjusted home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since U.S. sales were made to unrelated customers prior to the date of exportation of the merchandise. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used for fair value comparison purposes since such or similar merchandise was sold in the home market in sufficient quantities to provide an appropriate basis of comparison. In this case, Canadian sales of nearly 7 percent of all sales and over 22 percent of all sales to markets other than the United States, were deemed adequate to establish a home market for purposes of price comparisons.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports from Canada to the United States during the 6-month period September 1, 1977, through February 28, 1978, and home market sales of silicon metal during the same period.

On January 4, 1978, counsel for petitioner submitted information in support of its claim that, pursuant to section 205(b) of the Act (19 U.S.C. 164(b)), prices in the home market should be disregarded because they were at less than the cost of producing the merchandise. Information was then requested from SKW concerning the cost of producing the merchandise during the period calendar year 1977. This information was received and verified prior to the Tentative Determination. Information was also received and verified concerning the producer's costs during the time that merchandise sold during the period of investigation of September 1, 1977-February 28, 1978 was actually manufactured. This information indicates that the appropriate period for the examination of the cost of producing the merchandise is July 1, 1977 through December 31, 1977. The total actual cost of producing the merchandise during that time was determined to be less in every instance than the prices charged home market purchasers for such merchandise. Therefore, home market prices were not disregarded.

Subsequent to the Tentative Determination, petitioner submitted some additional information concerning the appropriate method for calculating the cost of producing the merchandise. This information included a claim that certain selling expenses which could only be attributed wholly to export sales had in fact been partially attributed to home market sales of this merchandise. This claim was determined to be wellfounded and an adjustment in the calculation of the cost of producing the merchandise has been made. It has been determined that this adjustment does not alter the prior conclusion that the cost of producing this merchandise was less in every instance than prices charged home market purchasers for such merchandise.

Petitioner has also claimed that Customs' investigation of the cost of producing this merchandise has failed to take account of certain production and selling expenses which may have been borne by a foreign parent company of the Canadian producer. Based on careful review of the cost information submitted by respondent and verified by the U.S. Customs Service, no reasonable basis exists for believing that any cost incurred in the production and/or sale of this merchandise by SKW has not been fully reported in the books and records of SKW as its own costs. No evidence was found that the parent companies absorbed such costs. Therefore, petitioner's claim has been rejected.

Petitioner has claimed that the parent company's investment in the equity capital of SKW should be considered a "cost of producing" this merchandise. The amount would be based on the parent company's interest costs for borrowed funds or a comparable charge on internally generated capital. In the recent case of *Austrian Viscose Rayon Staple Fiber* (43 FR 40095) (1978), we determined that the cost of producing merchandise within the meaning of section 205(b) of the Act did not require the inclusion of an imputed interest charge for the use of internally generated corporate funds. It has been determined in the instant case that there is no valid distinction to be made between the situation presented in the *Austrian Viscose Rayon Staple Fiber* case, and the situation in which funds utilized by the producing unit are derived from equity capital contributed by the investing parent company. How that company derived the funds—from loans, new investments in equity or self-generation from operations, or otherwise—is not relevant under the cost of production by reference to the actual costs incurred, as determined in accordance with generally accepted accounting principles (GAAP) in the country of manufacture, whenever such principles do not have a significant distortive effect. All actual interest costs incurred by SKW have been included within the cost of production of this merchandise. The inclusion of any element of imputed cost of the use of invested capital would not constitute an actual cost of production under GAAP, and, thus, cannot appropriately be included within the meaning of section 205(b) of the Act (19 U.S.C. 164(b)).

c. *Purchase Price.* For the purpose of this determination of sales at less than fair value, the purchase price was calculated on the basis of prices to unrelated U.S. customers with deductions, for loading charges, freight, warehousing costs, U.S. duty, discounts, and sales commissions, as appropriate. Additions were made for those sales where additional amounts were separately billed the customer for packing materials and/or freight and for drawback received on Canadian Customs duties paid on imported components.

d. *Home Market Price.* For the purpose of this determination of sales at less than fair value, home market price was calculated on the basis of the weighted-average price to all customers during the period of comparison with adjustments for loading, packing and freight costs, selling commissions, selling expenses, and differences in merchandise, as appropriate.

An adjustment to the home market price of high quality silicon metal was made for purposes of comparing that price to prices charged U.S. customers for silicon metal of a different, and lower, quality, pursuant to § 153.11 (19 CFR 153.11) of the Customs Regulations. The difference was established as a requirement of home market buyers, and was assured through procedures followed by the producer to enable it to warrant the higher quality sold in the home market. The adjustment was based on the additional costs incurred in the manufacture of the higher grade, which is the only grade sold in the home market. Additional adjustment under § 153.11 in the form of a deduction from home market price for labor and direct factory overhead costs directly attributable to the allowable cost of difference in the merchandise compared was not claimed and, therefore, not made.

Allowance has been claimed for commissions paid to a Canadian company related to SKW in connection with the home market. Normally a sales commission is considered to be directly related to a particular sale and is a circumstance of sale for which adjustment is made under § 153.10(a) of the regulations (19 CFR 153.10(a)). On the other hand, presale selling expenses are generally regarded as overhead expenses which do not constitute an allowable adjustment under § 153.10(a).

Section 153.10(b) (19 CFR 153.10(b)) of the regulations, in stating exceptions to the general rule that an adjustment will be made only for directly related circumstances of sale, provides:

> * * * reasonable allowance for selling expenses generally will be made in *cases where a reasonable allowance is made for commissions in one of the markets* under consideration and no commission is paid in the other market under consideration, the amount of such allowance being limited to the actual selling expense incurred in the one market or the total amount of the commission allowed in such other market, whichever is less. (Emphasis provided.)

In the instant case, a sales commission was paid to an unrelated party in respect of sales to the United States. It was therefore necessary to determine whether and, if so, to what extent, sales commissions paid in the home market to a related party could be properly deducted from home market price consistent with §§ 153.10(a) and 153.10(b) of the Regulations. At the time of the Tentative Determination, it was determined:

1. That under § 153.10(a), adjustment for sales commissions paid to a "related" company must be denied, wholly or in part, as a mere shift of income from one part of a corporate organization to another; and

2. That under § 153.10(b), adjustment may be allowed to the extent actual selling expenses, incurred either by the payee or payor of the commission, are shown, up to the amount of any commission paid in the "other" market.

On these bases, an adjustment to home market price was made at the time of the Tentative Determination, in connection with a portion of the sales commission paid to a related party. The adjustment was disallowed on a pro rata basis to the extent of the corporate relationship between payor and payee, pending submission of evidence of actual selling expenses. Information sufficient to establish that such actual selling expenses were incurred in full amount of the commission paid having been received since the Tentative Determination, this adjustment has now been fully allowed.

e. *Result of fair value comparisons.* Using the above criteria, the U.S. purchase prices were found to be lower than the home market price of such or similar merchandise in certain instances. Comparisons were made on virtually all the silicon metal sold in the United States by SKW during the period of investigation. Margins were found ranging from 0.4 percent to 18.3 percent on 44 percent of sales compared. The weighted-average margin computed over all sales was 2.7 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

The U.S. International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

NOVEMBER 30, 1978.

[FR Doc. 78-34159 Filed 12-6-78; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

ELECTRICAL DEFICIENCIES PROJECT, VAMC, SEPULVEDA, CA.

Finding of No Significant Impact

The proposed project will correct the electrical deficiencies at the Sepulveda, California, Veterans Administration Medical Center (VAMC), through the installation of new high voltage switchgear, feeders, a substation and emergency generators.

The correction of electrical deficiencies involves primarily the upgrading of interior electro-mechanical equipment (in Buildings No. 2 & 3) plus the exterior siting and installation of two emergency generator units serving Buildings No. 2 and 3, and a substation for Building No. 3. The focus of the assessment is the two emergency gener-

ator units and the substation which are the only exterior addition/modifications to the facility.

The impacts, as a result of the proposed action, are primarily associated with noise and exhaust emissions from the emergency generators. Mitigating actions for noise impacts are in the form of sound deadening enclosures, air silencers and exhaust mufflers on the equipment. Impacts of exhaust emissions are minimal during normal conditions of weekly 30-minute maintenance operations.

An analysis of all environmental factors related to the correction of electrical deficiencies indicates a Finding of No Significant Impact.

Questions and requests of single copies of the Environmental Assessment should be addressed to: Willard S. Sitler, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

By direction of the Administrator.

Dated: November 30, 1978.

MAURY S. CRALLE, Jr.,
Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 78-34129 Filed 12-6-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Decisions Volume No. 50]

DECISION-NOTICE

Decided: November 13, 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 juridictional 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 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 decisions 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 non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, Liberman (Review Board Member Eaton not participating).

H. G. HOMME, Jr.,
Secretary.

MC 4405 (Sub-583F), filed October 17, 1978. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, OK 74103. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *concrete light poles, and component parts and fixtures for light poles*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between Everett, WA, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Seattle, WA.)

MC 20992 (Sub-48F), filed September 1, 1978. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1)(a) *agricultural implements, farm machinery* (except tractors), *mountable spreaders, forage boxes, and show display equipment*, and (b) *parts* for the commodities in (1)(a) above, from the facilities of Koehring Farm Equipment Division of Koehring Co., at or near Appleton, WI, to points in AZ, CA, ID, NV, OR, UT, and WA, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above

(except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to the facilities of Koehring Farm Equipment Division of Koehring Co., at or near Appleton, WI, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Koehring Farm Equipment Division of Koehring Co., at or near Appleton, WI. (Hearing site: Minneapolis, MN.)

MC 23618 (Sub-40F), filed October 24, 1978. Applicant: McALISTER TRUCKING COMPANY, a Corporation, dba MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: E. Larry Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *air cooled heat exchangers and component parts for air cooled heat exchangers*, from the facilities of Hudson Products Corporation, at or near Houston and Beasley, TX, to points in the United States (except AK and HI). (Hearing site: Houston or Dallas, TX.)

MC 23618 (Sub-41F), filed October 24, 1978. Applicant: McALISTER TRUCKING COMPANY, A Corporation, d.b.a MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: E. Larry Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *building materials*, and (2) *materials and supplies* used in the manufacture, distribution, and installation of building materials (except commodities in bulk), from Shreveport, LA, to points in AR, IL, KS, KY, MS, NM, OK, TN, and TX. (Hearing site: Shreveport, LA or Dallas, TX.)

MC 23618 (Sub-42F), filed October 24, 1978. Applicant: McALISTER TRUCKING COMPANY, A Corporation, d/b/a MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: E. Larry Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles, and pipe*, between El Paso, Lubbock, Eagle Pass, and Houston, TX, Albuquerque, Farmington, and Clovis, NM, Salt Lake City, UT, and Pueblo, CO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX or Washington, DC.)

MC 25798 (Sub-337F), filed October 20, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., A North Carolina Corporation, P.O Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk, in tank vehicles), between the facilities of Hudson Industries, Inc., at Troy, AL, on the one hand, and, on the other, points in AR, CO, FL, IL, IN, IA, KS KY, LA, MI, MN, MO, NE, NC, ND, OH, OK, SC, SD, VA, TX, WV, and WI. (Hearing site: Tallahassee, FL.)

MC 25798 (Sub-339F), filed October 23, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., A North Carolina Corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *paper and paper products*, from Pasadena, TX, to points in FL. (Hearing site: Tampa, FL.)

MC 25798 (Sub-340F), filed October 24, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., A North Carolina Corporation, P.O. Box 1186 Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant.) To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foods* (except commodities in bulk), from the facilities of Rich Products Corporation, at Appleton, WI, to the facilities of Rich Products Corporation, at Murfreesboro, TN. (Hearing site: Buffalo, NY.)

MC 25069 (Sub-146F), filed October 24, 1978. Applicant: MOLTE BROS. TRUCK LINE, INC., P.O. Box 7184, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foods*, (1) from Buffalo, NY, and West Haven, CT, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, and WI, and (2) from Chicago, IL, to points in CO, IA, and NE. (Hearing site: Chicago, IL.)

MC 28088 (Sub-43F), filed October 24, 1978. Applicant: NORTH & SOUTH LINES, INC., 2710 S. Main Street, Harrisonburg, VA 22801. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *malt beverages*, from Newark, NJ, and Pabst, GA, to Harrisonburg and Winchester, VA. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 29079 (Sub-97F), filed October 30, 1978. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Kokomo, IN 46901. Representative: Richard H. Streeter, 1729 H Street, NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *auto body parts*, from Greencastle, IN, to Detroit, MI. (Hearing site: Washington, DC.)

MC 35628 (Sub-404F), filed October 19, 1978. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Avenue, SW, Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant). To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *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), serving the facilities of The Clorox Company, at French Lick, IN, as an off-route point in connection with applicant's presently authorized regular-route operations. (Hearing site: San Francisco or Sacramento, CA.)

MC 48958 (Sub-160F), filed October 30, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., A Nebraska Corporation, 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, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, alcholic liquors, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between the facilities of Western Electric Company, Inc., at or near (a) Omaha, NE, and (b) Underwood, IA, on the one hand, and, on the other, points in AZ, CA, KS, NM, TX, and UT. (Hearing site: Denver, CO.)

MC 55898 (Sub-55F), filed October 23, 1978. Applicant: DECATO BROS., INC., Heater Road, Lebanon, NH 03766. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *gypsum and building materials*, and *materials, equipment, and supplies* used in the manufacture, distribution, and installation of gypsum and building materials (except commodities in bulk, in tank vehicles), (1) between the facilities of Georgia-Pacific Corporation, at or near (a) Akron and Buchanan, NY, (b) Delair, NJ, (c) Milford, VA, (d) Quakertown, PA, and (e) Wilmington, DE, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, and (2) between the facilities of Gerogia-Pacific Corporation, at or

near Marietta, GA, on the one hand, and, on the other, points in CT, ME, MA, NH, NY, RI, and VT. (Hearing site: Washington, DC.)

MC 61592 (Sub-426F), filed September 13, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *railroad ties, timbers, poles, piling*, and *lumber*, from Madison and Cambria, IL, Indianapolis, Bloomington, Terre Haute, and Winslow, IN, Waverly and Northup, OH, and Louisville and Mayfield, KY, to points in IN, IA, KS, KY, MI, MO, OH, TN, WI, IL, NY, PA, WV, and AR. (Hearing site: Chicago, IL.)

MC 65941 (Sub-58F), filed September 11, 1978. Applicant: TOWER LINES, INC., 3rd and Warwood Avenue, Box 6010, Wheeling, WV 26003. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *glass containers, glass container tops*, and *corrugated boxes*, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities named in (1) above, from points in Clearfield, Jefferson, and Washington Counties, PA, and Muskingum County, OH, to points in NC and VA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 78228 (Sub-94F), filed October 30, 1978. Applicant: J MILLER EXPRESS, INC., An Ohio Corporation, 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *alloys*, (1) between the facilities of Airco Alloys, a Division of Airco, Inc., at Niagara Falls, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MA, MD, MI, NJ, PA, RI, and WV, and (2) between the facilities of Airco Alloys, a Division of Airco, Inc., at Detroit, MI, on the one hand, and, on the other, points in IL, IN, NY, OH, PA, and WV. (Hearing site: Washington, DC or Buffalo, NY.)

MC 78228 (Sub-95F), filed October 30, 1978. Applicant: J MILLER EXPRESS, INC., An Ohio Corporation, 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *electrodes*, between the facilities of Airco Speer Carbon-Graphite, at (a) Niagara Falls, NY, and (b) St. Marys, PA, on the one hand, and, on the other, points in CT, IL, IN, KY, MD, MI, NJ, NY, PA, and WV. (Hearing site: Washington, DC or Niagara Falls, NY.)

MC 78228 (Sub-96F), filed October 30, 1978. Applicant: J MILLER EXPRESS, INC., An Ohio Corporation, 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *pig iron*, between the facilities of Hanna Furnace Corporation, Division of National Steel Corp., at Detroit, MI, on the one hand, and, on the other, points in IL, IN, IA, KY, MO, NY, OH, and PA. (Hearing site: Washington, DC or Buffalo, NY.)

MC 87928 (Sub-48F), filed October 2, 1978. Applicant: AUTOMOBILE TRANSPORT, INC., 36555 Michigan Avenue, Wayne, MI 48184.Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *motor vehicles*, between points in IL, IA, MN, MO, and WI, and (2) *motor vehicles*, in secondary movements, in truckaway and driveaway service, between points in IL, IA, MN, MO, and WI, on the one hand, and, on the other, points in IL, IN, KY, MI, NC, OH, SC, TN, VA, WV, VT, MA, CT, NY, NJ, MD, DE, RI, and DC. (Hearing site: Detroit, MI or Chicago, IL.)

MC 103498 (Sub-48F), filed September 28, 1978. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *insulation board*, from the facilities of Johns-Manville Sales Corp., at Natchez, MS, to points in AR, OK, and TX. (Hearing site: Dallas, TX, or Jackson, MS.)

NOTE.—The person or persons who it appears may be engaged in common control of applicant and another regulated carrier must either file an application under Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 103798 (Sub-20F), filed October 27, 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, over irregular routes, transporting *cheese*, from St. Olaf, IA, to points in AZ, CA, CO, KS, NE, NM, NV, OK, TX, and UT. (Hearing site: Des Moines, IA.)

NOTE.—Dual operations are involved in this proceeding.

MC 103993 (Sub-940F), filed October 2, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *pipe, valves, metal articles, hydrants, and castings*, and (2) *materials, equipment, and supplies* used in the installation of the commodities named in (1) above, from the facilities of Consolidated Pipe & Supply Co., at or near Birmingham, AL, to points in TX, FL, LA, MS, NC, SC, TN, KT, and AR. (Hearing site: Birmingham or Mobile, AL.)

MC 106398 (Sub-847F), filed October 17, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *pickup trucks and van conversions*, from the facilities of Gladiator, Inc., at Denver, CO, to points in AZ, ID, MT, NV, NM, UT, and WY. (Hearing site: Denver, CO.)

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 107515 (Sub-1182F), filed October 12, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers S, 3390 Peachtree Road NE., Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *plastic film and sheeting*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Borden Chemical Division of Borden, Inc., at or near Griffin, GA, on the one hand, and, on the other, points in the United States (except AK, HI, and GA). (Hearing site: Atlanta, GA.)

NOTE.—Dual operations are involved in this proceeding.

MC 108119 (Sub-104F), filed October 10, 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, over irregular routes, transporting (1) *machinery and engines*, and (2) *mobile power units*, in truckaway service, between points in San Joaquin County, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: San Francisco or Los Angeles, CA.)

MC 108119 (Sub-105F), filed October 30, 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, over irregular routes, transporting (1) *street sweepers and chippers*, and (2) *parts and attachments* for the commodities in (1) above, from points in Calumet County, WI, to points in the United States (except AK and HI). (Hearing site: Milwaukee or Madison, WI.)

MC 109397 (Sub-428F), filed September 18, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *aluminum and aluminum products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Alumax, Inc., in Berkeley County, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, D.C.)

MC 109538 (Sub-26F), filed October 18, 1978. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, WI 54701. Representative: Carl L. Steiner, 39 S. La Salle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities* (except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Richmond, IN, and Dayton, OH: from Richmond over U.S. Hwy 40 to junction Interstate Hwy 70, then over Interstate 70 to junction OH Hwy 49, then over OH Hwy 49 to Dayton, and return over the same route, serving all intermediate points. CONDITIONS: (1) The regular-route authority granted here shall not be severable by sale or otherwise, from applicant's retained pertinent irregular-route authority. (2) Applicant must request, in writing, the imposition of restrictions on its underlying irregular-route authority in Certificate No. MC-109538 (Sub-No. 22) precluding service between the two points authorized to be served here pursuant to regular-route authority. (Hearing site: Chicago, IL)

NOTE.—The purpose of this application is to convert a portion of applicant's existing irregular-route authority to regular-route authority.

MC 109584 (Sub-180F), filed September 5, 1978. Applicant: ARIZONA-PACIFIC TANK LINES, an Arizona Corporation, 3980 Quebec Street, P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *inedible tallow*, in bulk, in tank vehicles, from Phoenix, AZ, to Deming, NM. (Hearing site: Phoenix, AZ.)

MC 109692 (Sub-72F), filed August 28, 1978. Applicant: GRAIN BELT TRANSPORTATION COMPANY, Route 13, Kansas City, MO 64161. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *pipe, couplings, pilings, and well casings and screens*, from the facilities of Stanron Supply, Inc., at or near Lubbock, TX, to points in the United States (except AK and HI), (2) *pipe, pilings, and well casings and screens*, from Fontana and Long Beach, CA, Pueblo, CO, Valley, NE, Houston, TX, and ports of entry on the international boundary line between the United States and Canada in MT and ND, to points in the United States (except AK and HI), and (3) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) and (2) above (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to the facilities of Stanron Supply, Inc., at or near Lubbock, TX. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 110563 (Sub-245F), filed October 4, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foods and frozen novelties*, from Kansas City, MO, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and WI. (Hearing site: Kansas City or St. Louis, MO)

MC 110988 (Sub-374F), filed October 25, 1978. Applicant: SCHNIEDER 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, over irregular routes, transporting *commodities* in bulk, from Mosinee, WI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL).

MC 110988 (Sub-375F), filed October 30, 1978. Applicant: SCHNIEDER 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, over irregular routes, transporting *commodities* in bulk, (1) from points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV, to points in IL, IN, IA, KY, MI, MN, MO, OH, WI, and those in PA on and west of U.S. Hwy 219, and (2) from points in KY, OH, and TN, to points in IL, IN, IA, MI, MN, MO, and WI. (Hearing site: Chicago, IL).

MC 111941 (Sub-27F), filed September 11, 1978. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *petroleum* and *petroleum products*, from Laketon, IN, to points in KY. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 112223 (Sub-116F), filed September 25, 1978. Applicant: QUICKEE TRANSPORT COMPANY, a corporation, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *castings*, from Berlin and Waupaca, WI, to the facilities of Onan Corporation, at or near Fridley, MN, restricted to the transportation of traffic originating at the named origins and destined to the named destination facilities. (Hearing site: Minneapolis or St. Paul, MN)

MC 112713 (Sub-224F), filed September 11, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, from points in PA, to points in MI. (Hearing site: Philadelphia, PA)

MC 112801 (Sub-209F), filed September 11, 1978. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, IL 60521. Representative: Dwight L. Koerber, Jr., 805

McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *corn sweetners*, in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Co., at or near Chicago, IL, to points in IL, IN, IA, KY, MI, NY, OH, PA, WV, and WI. (Hearing site: Chicago, IL.)

MC 113434 (Sub-109F), filed September 5, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs and synthethic rubber*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of Louisville Freezer Center, in Jefferson County, KY, on the one hand, and, on the other, points in IL, IN, MI, MO, OH, PA, TN, WV, WI, and those in NY on and west of Interstate Hwy 81. (Hearing site: Louisville, KY)

MC 114273 (Sub-473F), filed October 2, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products and meat byproducts, and articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Illini Beef Packers, Inc., at Joslin, IL, to points in DE, KY, MD, TN, VA, WV, WI, and DC. CONDITION: In view of the findings in No. MC-114273 (Sub-Nos. 147 and 252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC)

MC 114569 (Sub-256F), filed October 24, 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, over irregular routes, transporting *frozen foods, and materials and supplies* used in the manufacture and distribution of frozen foods, (except commodities in bulk), between the facilities of the Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in the United States in and east of MN, LA, MO, AR, and LA (except TN), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Minneapolis, MN or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114569 (Sub-257F), filed October 24, 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, over irregular routes, transporting *confectionery*, from the facilities of Charms Co., at or near Covington, TN, to points in AZ, CA, CO, CT, DE, IL, IN, IA, KS, MD, MA, MI, MN, MO, NE, NJ, NM, NY, OH, OR, PA, RI, TX, VA, WA, WI, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114569 (Sub-258F), filed October 24, 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, over irregular routes, transporting *confectionery*, from Moline, IL, to Minneapolis, MN. (Hearing site: Harrisburg, PA or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114569 (Sub-259F), filed October 26, 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, over irregular routes, transporting *antifreeze preparations*, in containers, from Kansas City, MO, to points in CO, IA, ID, MT, NE, UT, and WY. (Hearing site: Houston, TX or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114569 (Sub-260F), filed October 30, 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, over irregular routes, transporting *tea*, from Houston, TX, Seattle, WA, and San Francisco and Los Angeles, CA, to Denver, CO. (Hearing site: Denver, CO, or Washington, DC)

NOTE.—Dual operations may be involved in this proceeding.

MC 115092 (Sub-71F), filed September 12, 1978. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *bentonite clay*, from the facilities of Dresser Industries, Inc., at or near Greybull, WY, to points in AR, AZ, CA, CO, IL, IA, KS, LA, MN, MO, NE, NV, NM, OK, OR, TX, UT, WA, and WI; and (2) *drilling mud additives*, from points in Sweetwater County, WY, to points in AR, CO, IL, KS, LA, MS, NM, OK, and TX. (Hearing Site: Houston, TX)

MC 115215 (Sub-35F), filed October 12, 1978. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Perry, FL 32347. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fl 32202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *lumber handling machinery, and dry kiln outfits*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, from Jacksonville, FL, to points in AL, LA, and MS. (Hearing site: Jacksonville or Talahassee, FL)

MC 115924 (Sub-33F), filed September 6, 1978. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, GA 31407. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *sweetners*, in bulk, (1) between points in IL, IN, IA, and OH, on the one hand, and, on the other, points in AL, FL, GA, KY, MS, NC, SC, TN, VA, and WV, and (2) between points in AL, FL, GA, KY, MS, NC, SC, TN, VA, and WV, under continuing contract(s) with Savannah Foods & Industries, Inc., of Savannah, GA. (Hearing site: Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 116014 (Sub-86F), filed September 5, 1978. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, KY 40391. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *iron and steel forgings*, from the facilities of Rockwell International Corp., at Morristonw, TN, to points in IN, IL, OH, KY, MO, MI, PA, and WI, and (2) *materials, equipment, and supplies* used in the manufacture of iron and

steel forgings (except commodities in bulk), from the destinations indicated in (1) above, to the origin facilities named in (1) above. (Hearing site: Louisville, KY.)

MC 116763 (Sub-439F), filed October 2, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plastic and metal containers, and accessories for plastic and metal containers*, from Homerville, GA, to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Atlanta, GA.)

MC 117119 (Sub-705F), filed October 27, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *plastic and rubber housewares, lawn and garden accessories, and display racks*, from the facilities of Rubbermaid Incorporated, at Wooster, OH, to points in AZ, CA, CO, ID, MT, NV, OR, UT, and WA. (Hearing site: Columbus, OH.)

MC 117574 (Sub-319F), filed August 29, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *tractors*, (2) *trucks designed for off-highway use*, in truckaway service, and (3) *parts and accessories* for the commodities named in (1) and (2) above, between points in IL, IL, IN, KS, MI, MN, MO, ND, NE, SD, and WI. (Hearing site: Chicage, IL.)

MC 117815 (Sub-297F), filed September 18 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Representative: Dewey Marselle (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *such commodities* as are dealt in or used by grocery and food business houses, from St. Louis, MO, to points in IL, IN, IA, MI, MN, NE, and OH, and (2) *cleaning, softening, sizing, finishing, bleaching, and bluing products*, from London and Toledo, OH, to points in IL, IN, MN, and MO, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 119089 (Sub-6F), filed October 30, 1978. Applicant: WISCONSIN REFRIGERATED SERVICES, INC., 11400 West Burleigh Street, Wauwatosa, WI 53222. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *frozen foodstuffs*, and (2) *frozen inedible meats* and *frozen edible meat by-products* (except commodities in bulk, in tank vehicles), from the facilities of Wiscold, Inc., at or near Beaver Dam and Milwaukee, WI, to points in AL, AZ, AR, CA, DE, FL, LA, MD, MS, NV, NM, OK, TX, UT, and DC, under continuing contract(s) with Wiscold, Inc., of Milwaukee, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 119493 (Sub-228F), filed August 14, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *glass and glass products*, from the facilities of Fourco Glass Company, at or near Clarksburg and Jerry Run, WV, to points in CO, KS, NE, OK, TX, AL, AR, IA, LA, MN, MS, MO, TN, and WI, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, from CO, KS, NE, OK, TX, AL, AR, IA, LA, MN, MS, MO, TN, and WI, to the facilities of Fourco Glass Company, at or near Clarksburg and Jerry Run WV. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 120618 (Sub-15F), filed October 20, 1978. Applicant: SCHALLER TRUCKING CORPORATION, 5700 West Minnesota Street, Indianapolis, IN 46241. Representative: John R. Bagileo, 918—16th Street NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *aluminum articles*, from the facilities of the Anaconda Company, at or near Terre Haute, IN, to Buffalo and Lockport, NY; and (2) *returned shipments* of aluminum articles, from Buffalo and Lockport, NY, to the facilities of the Anaconda Company, at or near Terre Haute, IN. (Hearing site: Indianapolis or Terre Haute, IN).

MC 120618 (Sub-16F), filed October 23, 1978. Applicant: SCHALLER TRUCKING CORPORATION, 5700 West Minnesota Street, Indianapolis, IN 46241. Representative: John R. Bagileo, 918—16th Street, NW, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *aluminum extrusions, aluminum pipe, and flux*, (except commodities which because of size or weight require the use of special equipment), from the facilities of Aluminum Company of America, at or near Lafayette, IN, to points in NY. (Hearing site: Indianapolis or Terre Haute, IN.)

MC 120981 (Sub-27F), filed September 11, 1978. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Nashville, TN, and Shakertown, KY: From Nashville over Interstate Hwy 65 to junction Blue Grass Parkway, then over Blue Grass Parkway to junction U.S. Hwy 60, then over U.S. Hwy 60 to Lexington, KY, then over U.S. Hwy 68 to Shakertown, and return over the same route, serving all intermediate points between Lexington and Shakertown, KY, (2) Between junction U.S. Hwy 68 and KY Hwy 29, and Wilmore, KY: over KY Hwy 29, serving all intermediate points, and (3) Between junction U.S. Hwy 68 and KY Hwy 33, and Burgin, KY: over KY Hwy 33, serving all intermediate points. (Hearing site: Lexington, KY or Nashville, TN.)

MC 121664 (Sub-35F), filed September 6, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, AND B. C. HORNADY, a partnership, d/b/a HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monoeville, AL 36460. Representative: W. E. Grant, 1702 1st Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *lumber and lumber products*, from Maplesville and Centreville, AL, to points in GA, TN, KY, IL, IN, OH, and MI. (Hearing site: Montgomery or Birmingham, AL.)

MC 121664 (Sub-36F), filed September 6, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, AND B. C. HORNADY, a partnership, d/b/a HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monoeville, AL 36460. Representative: W. E. Grant, 1702 1st Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *unfinished plywood*, from Cuthbert, GA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, from the destinations indicated in (1) above to Cuthbert, GA. (Hearing site: Montgomery or Birmingham, AL.)

MC 121664 (Sub-37F), filed September 6, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a.

HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 1st Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *lumber and lumber products*, from Newport, AR, and Memphis, TN, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Montgomery or Birmingam, AL.)

MC 123048 (Sub-418F), filed October 20, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by (a) agricultural, industrial, and construction equipment dealers, and (6) lawn and leisure products dealers, between points in the United States (except AK and HI). (Hearing site: Chicago, IL) or Washington, DC.)

MC 123744 (Sub-43F), filed August 31, 1978. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *refractories*, from the facilities of Harbison Walker Refractories at or near Hammond, IN to points in OH, PA, MD, VA, NY, NJ, WV, CT, RI, VT, NH, MA, and ME, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved.

MC 123744 (Sub-44F), filed September 5, 1978. Applicant: BUTLER TRUCKING COMPANY, a Corporation, P.O. Box 88, Woodland, PA 16881. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *refractories*, (1) from the facilities of General Refractories Company, at or near (a) Rockdale, IL, and (b) Gary, IN, to points in OH, PA, WV, NJ, DE, NY, and MD, and (2) from the facilities of General Refractories Company at Claysburg, Sproul, and Salina, PA, to points in IL, IN, MI, AL, MS, and LA, restricted in (1) and (2) to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved.

MC 124078 (Sub-894F), filed October 20, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *defoaming compounds and cotton softeners*, in bulk, in tank vehicles, from Columbus, GA, to points in (a) AR, LA, TX, and (b) those in the United States 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 (except LA), (2) *industrial oil*, in bulk, in tank vehicles, from Jacksonville, FL, Baton Rouge, LA, and Charleston, SC, to Columbus, GA; and (3) *lignin sulfonate*, in bulk, in tank vehicles, from Green Bay, WI, to Columbus, GA. (Hearing site: Atlanta, GA.)

MC 124078 (Sub-897F), filed October 16, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *dry chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Co., at or near August, GA, to points in IL, IA, MD, MI, MN, MO, NJ, NY, OH, PA, and WI, restricted against the transportation of traffic moving to or through points in the St. Louis, MO-East St. Louis, IL, commercial zone. (Hearing site: St. Louis, MO.)

MC 124839 (Sub-37F), filed October 26, 1978. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Representative: William P. Sullivan, 1320 Fenwick Lane—Suite 500, Silver Spring, MD 20910. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), under continuing contract(s) with E. I. du Pont de Nemours & Company, of Wilmington, DE. CONDITION: As Commission records indicate this will be applicant's 10th contracting shipper, applicant must, in order to demonstrate that the proposed service is that of a contract carrier, present evidence, in the form of verified statements, demonstrating why it will be serving a "limited number of persons" within the meaning of section 10102(12) (formerly section 203(a)(15)) of the Interstate Commerce Act. (Hearing site: Washington, DC.)

MC 124947 (Sub-114F), filed August 14, 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, over irregular routes, transporting *air cleaning equipment*, from the facilities of Superior Roll Form Company, at or near Cleveland, OH, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT or Washington, DC.)

MC 125335 (Sub-34F), filed October 20, 1978. Applicant: GOOD-WAY, INC., a MD corporation, P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 81849, 521 South 14th Street, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), from the facilities of M&M/Mars, at or near Cleveland, TN, to points in TX, LA, FL, PA, NJ, MD, DE, NY, MA, CT, RI, OK, KS, MO, NE, and IA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Allentown or Harrisburg, PA.)

MC 125335 (Sub-35F), filed October 20, 1978. Applicant: GOOD-WAY, INC., a MD corporation, P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of Knouse Foods, Inc., in Adams and Franklin Counties, PA, to points in TN, MS, AR, LA, TX, OK, GA, and AL. (Hearing site: Harrisburg, PA or Lincoln, NE.)

MC 126899 (Sub-123F), filed October 24, 1978. Applicant: USHER TRANSPORT, INC., P.O. Box 3156, Paducah, KY 42001. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *malt beverages*, from Evansville, IN, and Newport, KY, to St. Louis, MO. (Hearing site: Evansville, IN or Louisville, KY.)

MC 126904 (Sub-28F), filed September 7, 1978. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Building,

Philadelphia, PA 19107. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *asbestos cement pipe and fittings* for asbestos cement pipe, and (2) *accessories* used in the installation of the commodities in (1) above (except commodities in bulk), from the facilities of Certain-Teed Products Corp., at or near Hillsboro, TX, to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA.)

MC 127974 (Sub-13F), filed August 31, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, NJ 08610. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *insulation board,* from the facilities of Celotex Corporation, at Pennsauken, NJ, to points in ME, NC, NH, PA, WV, and VT. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 128988 (Sub-101F), filed October 23, 1978. Applicant: JO/KEL, INC., A Nebraska Corporation, 159 South Seventh Avenue, Box 1249, City of Industry, CA 91749. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *heating and air conditioning units* (except commodities which because of size or weight require the use of special equipment), from the facilities of Fraser & Johnston Co., at or near (a) Elyria and Medina, OH, and (b) Norman, OK, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, and WA, under continuing contract(s) with Fraser & Johnston Co., of Hayward, CA. (Hearing site: Los Angeles, CA.)

MC 133095 (Sub-205F), filed October 6, 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 (1) *rubber articles, and plastic articles,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities 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 (except AK and HI). (Hearing site: Dallas, TX.)

MC 133119 (Sub-145F), filed October 25, 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, over irregular routes, transporting *Bananas* from Tampa, FL, to points in AL, AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, TN, and WI. (Hearing site: Miami, FL or Omaha, NE.)

MC 133119 (Sub-146F), filed October 25, 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, over irregular routes, transporting *frozen potatoes and potato products,* (1) from Grand Forks, ND, to points in AL, FL, GA, IL, IN, KY, LA, MI, MN, MS,NV, NC, OH, SC, TN, and WI, (2) from Fairmont, MN, to points in CA, CO, IL, IN, IA, KS, KY, MO, NE, NV, OH, WI, and UT, and (3) from Kansas City, KS, to points in AL, AZ, AR, CA, FL, GA, LA, MS, NM, NC, OK, SC, TN, TX, and UT. (Hearing site: Grand Forks, ND, or Omaha, NE).

MC 133478 (Sub-19F), filed October 30, 1978. Applicant: DG TRANSPORT, INC., 8565 SW Beaverton-Hillsdale Hwy, P.O. Box 25448, Portland, OR 97225. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. To operate as a *contact carrier,* by motor vehicle, over irregular routes, transporting (1) *cardboard cartons,* from Lacey and Olympia, WA, to the facilities of DG Shelter Products, Co., at Harrisburg, OR; (2) *fiberboard,* from Columbia Falls, MT, to the facilities of DG Shelter Products, Co., at Harrisburg, OR; (3) *ammonia cloride* (except in bulk), from Texas City, TX, to the facilities of DG Shelter Products Co., at Sacramento, CA; (4) *print cylinders,* between the facilities of DG Shelter Products, Co., at Beaverton, OR, and Berkeley, CA; (5) *Lumber mill products,* (a) from Whiteriver, AZ, to the facilities of DG Shelter Products Co., at Sacramento, CA, (b) from points in WA and ID, to points in CA, and (c) from points in OR, WA, ID, and CA, to points in IL, IN, OH, TN, KY, PA, and MI; (6) *building materials* (except commodities in bulk), from the facilities of DG Shelter Products Co., at Newton, KS, to points in NE, MO, CO, OK, and TX: (7) *metal ingots, exothermics, metal shots, and foundry supplies,* (except commodities in bulk), (a) from points in WA and OR, to the facilities of DG Shelter Products Co., at City of Industry, CA, and the facilities of Western Industrial Supply, at Tigard, OR, and (b) from Fontana, Long Beach, Lynwood, and Rodeo, CA, to the facilities of Western Industrial Supply, at Tigard, OR, under continuing contract(s) in (1) through (7) above with DG Shelter Products, Co., of Portland, OR, and Western Industrial Supply Co., of Portland, OR. (Hearing site: Portland, OR, or Seattle, WA).

MC 133655 (Sub-128F), filed October 16, 1978. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *foodstuffs* (except in bulk), (1) from Newman Grove, NE, to points in CT,IL, KS, MN, MO, NJ, NY, OH, and PA, (2) from Palestine, TX, to points in AR, IL, IA, MI, MN, MO, OH, OK, TN, and WI, (3) from the facilities of Commercial Distribution Center, Inc., at or near Kansas City, MO, to points in AR, IL, IN, IA, KS, KY, NE, NM, OH, OK, TN, and TX, and (4) from Burlington, WI, to points in TX. (Hearing site: Chicago, IL).

MC 134638 (Sub-2F), filed October 16, 1978. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *pet foods and animal feeds,* from the facilities of Tuffy's, Division of Star-Kist Foods, Inc., at or near Perham, MN, to the ports of entry on the international boundary line between the United States and Canada, at or near (a) Pembina, ND, and (b) Noyes, MN, restricted to the transportation of traffic destined to points in the Provinces of Manitoba, Ontario, Saskatchewan, Alberta, and British Columbia, Canada. CONDITION: Prior receipt from applicant of an affidavit setting forth its appropriate complementary Canadian authority or explaining why no such Canadian authority is necessary.

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. (2) Dual operations are involved in this proceeding. (Hearing site: St. Paul, MN).

MC 135015 (Sub-2F), filed October 16, 1978. Applicant: SOUTHERN TRANSIT CO., INC., 1211 South 9th

Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *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), (1) Between junction OK Hwy 112 and U.S. Hwy 59, at or near Poteau, OK, and junction OK Hwy 112 and U.S. Hwy 271, at or near Pocola, OK; over OK Hwy 112, serving all intermediate points, and (2) between Wister, OK and junction U.S. Hwy 59 and U.S. Hwy 64; from Wister over U.S. Hwy 270 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction U.S. Hwy 64, and return over the same route, serving all intermediate points. (Hearing site: Fort Smith, AR)

MC 135691 (Sub-24F), filed September 13, 1978. Applicant: DALLAS CARRIER CORP., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, TX 75234. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *drugs, toilet preparations, diagnostic materials, and chemicals*, from Nutley, NJ, to Des Plaines, IL, Decatur, GA, Dallas, TX, and San Leandro, CA; (2) *drugs, animal feed supplements, and chemicals*, from Belvidere, NJ, to Salisbury, MD, Decatur, GA, Dallas, and Ft. Worth, TX, and points in CA, IL, IN, IA, MI, MO, NE, NC, OH, and VA; (3) *drugs, toilet preparations, and diagnostic materials*, from Branchburg, NJ, to Des Plaines, IL, Decatur, GA, Dallas, TX, and San Leandro, CA; (4) *animal feed supplements*, (a) from Salisbury, MD, to Ames, IA, Ft. Worth, TX, and Fresno, CA, and points in AL, CT, DE, FL, GA, KY, ME, MA, NJ, NH, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV, (b) from Ames, IA, to Ft. Worth, TX, Fresno, CA, and Salisbury, MD, and points in CO, IL, IN, KS, KY, MI, MN, MO, MT, NE, ND, OH, SD, and WI, (c) from Fresno, CA, to Ft. Worth, TX, Ames, IA, and Salisbury, MD, and points in AZ, ID, MT, NV, OR, UT, WA, and WY, and (d) from Ft. Worth, TX, to Ames, IA, Fresno, CA, and Salisbury, MD, and points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NC, NM, OH, OK, and TN; and (5) *toilet preparations and shampoo*, from Los Angeles, CA, to Branchburg, NJ, and Dallas, TX, under continuing contract(s) in (1), (2), (3), (4), and (5) with Hoffmann-LaRoche, Inc., of Nutley, NJ. (Hearing site: Dallas, TX)

MC 135797 (Sub-146F), filed September 14, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *citrus products*, (except commodities in bulk), from points in FL, to points in AZ, CA, CO, ID, MT, OR, UT, and WA. (Hearing Site: Orlando, FL)

MC 135874 (Sub-138F), filed September 5, 1978. Applicant: LTL PERISHABLES, INC., a NE corporation, 550 E. 5th Street So., So. St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foods*, (except commodities in bulk), from the facilities of the Kitchens of Sara Lee, at (a) Deerfield, IL, and (b) New Hampton, IA, to points in OH, WV, VA, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT, ME, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL)

MC 136848 (Sub-21F), filed September 29, 1978. Applicant: JAMES BRUCE LEE & STANLEY LEE, A Partnership, d.b.a. LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 837 East 162nd Street, South Holland, IL 60473. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *iron and steel hot rolled bars*, from the facilities of Wisconsin Steel, at Chicago, IL, to Anderson, Muncie, New Castle, and Indianapolis, IN, and Maryville, MO, under continuing contract(s) with Wisconsin Steel, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 138438 (Sub-34F), filed October 23, 1978. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *aluminum dump trailers, aluminum platform trailers, aluminum extrusions, and trailer parts*, from Elizabeth, WV, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC. (Hearing site: Elizabeth, WV.)

NOTE.—Dual operations are involved in this proceeding.

MC 138469 (Sub-88F), filed October 26, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Fuel oil treating compounds*, (except in bulk), from the facilities of Bell Laboratory, Inc., at or near Orlando, FL, to points in the United States (except AK, HI, and FL). (Hearing site: Orlando, FL, or Atlanta, GA.)

MC 138469 (Sub-89F), filed October 26, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Alcoholic beverages*, (except in bulk), from Peoria, IL, Detroit, MI, Frankfort and Louisville, KY, and Cincinnati, OH, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas or Ft. Worth, TX.)

MC 138875 (Sub-112F), filed October 10, 1978. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *brick, lime, mortar, gypsum, gypsum board, sand, stone, plaster, and joint systems*, and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between points in OR, ID, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, UT, and WY. (Hearing site: Boise, ID, or Portland, OR.)

MC 141402 (Sub-19F), filed September 15, 1978. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 332, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, over irregular routes transporting *glass containers*, from the facilities of Chattanooga Glass Co., at or near Mt. Vernon, OH, to points in IN, IL, KY, MI, MN, MO, and WI, under continuing contract(s) with Chattanooga Glass Co., of Chattanooga, TN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141483 (Sub-4F), filed October 6, 1978. Applicant: VALCON PACKAGE DELIVERY, INC., 3840 West Street, Landover, MD 20785. Representative: Martin B. Lessans, 206 Baltimore-Annapolis Blvd., NW, Glen Burnie, MD 21061. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *such commodities*

as are dealt in or used by cosmetic manufacturers, between Newark, DE, points in MD and DC, and points in Arlington, Accomack, Culpeper, Fairfax, Faquier, King George, Loudoun, Northampton, Orange, Page, Prince William, Rappahannock, Spotsylvania, Stafford, Warren and Westmoreland Counties, VA, under continuing contract(s) with Avon Products, Inc., of Newark, DE. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 141621 (Sub-3F), filed September 13, 1978. Applicant: CHARLES ORTIZ, 311 Soundview Avenue, Bronx, NY 10473. Representative: John H. Caldwell, 900 17th Street, NW, Washington, DC 20006. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *bread,* from the facilities of Denk Baking Corp., in Kings County, NY, to Easton, Emmaus, and Reading, PA, and Wilmington, DE, under continuing contract(s) with Denk Baking Corp., of Brooklyn, NY. (Hearing site: New York, NY, or Washington, DC.)

MC 141652 (Sub-27F), filed September 5, 1978. Applicant: ZIP TRUCKING INC., Post Office Box 5717, Jackson, MS 39208. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street, N.E., Atlanta, GA 30303. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *fabric, piece goods, buttons,* and *zippers,* from Tupelo, MS, to points in WA, OR, CA, ID, MT, WY, NV, UT, CO, AZ, and NM. (Hearing site: Jackson, MS, or New Orleans, LA.)

NOTE.—Dual operations are involved in this proceeding.

MC 141962 (Sub-1F), filed September 14, 1978. Applicant: NORTHEAST REFRIGERATED DISTRIBUTING CO., INC., 1650 Shawsheen Street, Tewksbury, MA 01876. Representative: Kenneth B. Williams, 84 State Street, Boston, MA 02109. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *meats, meat products* and *meat byproducts,* and *articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Northeast Refrigerated Distributing Co., Inc., at or near Tewksbury, MA, to points in NH. (Hearing site: Boston, MA.)

MC 142059 (Sub-50F), filed October 26, 1978. Applicant: CARDINAL TRANSPORT, INC., a Delaware Corporation, 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *lumber,* from ports of entry on the international boundary line between the United States and Canada in (a) NY and (b) the lower peninsula of MI, to points in the United States in and east of MN, IA, NE, KS, OK, and TX, restricted to the transportation of traffic originating at points in the Province of Ontario, 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: Detroit, MI, or Washington, DC.)

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 142059 (Sub-51F), filed October 26, 1978. Applicant: CARDINAL TRANSPORT, INC., a Delaware Corporation, 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *tools,* in packages, from Van Nuys, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 142603 (Sub-4F), filed October 5, 1978. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101, Representative: S. Michael Richards, P.O. 225, Webster, NY 14580. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *paper and paper products,* (1) from Great Barrington, MA, to points in the United States (except AK and HI), under continuing contract(s) with Berkshire Paper Company, Inc., of Great Barrington, MA, and (2) from the facilities of Boise Cascade Corporation, at (a) Brownville, Beaver Falls, and Lowville, NY, (b) Brattleboro, VT, (c) West Dudley, MA, and (d) Rumford, ME, to points in CA, TX, and those points in the United States in and east of AR, IA, LA, MN, and MO, under continuing contract(s) with Boise Cascade Corporation, of Portland, OR. (Hearing site: New York, NY, or Washington, DC.)

MC 142663 (Sub-1F), filed October 5, 1978. Applicant: SPRINGBROOK TRANSPORT, INC., P.O. Box 422, Springfield, PA 19064. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd, McLean, VA 22101. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *truck and trailer parts,* (except commodities which because of size and weight require the use of special equipment), from Montgomery, AL, Chicago, IL, East Chicago, IN, Detroit and Muskegon, MI, and Akron, Cleveland, and Frankfort, OH, to Tempe, AZ, Los Angeles, San Leandro, and San Diego, CA, Kansas City, MO, and Dallas and Houston, TX, under continuing contract(s) with Wheels Industries of Los Angeles, CA. (Hearing site: Philadelphia, PA, or Los Angeles, CA.)

MC 142693 (Sub-3F), filed October 2, 1978. Applicant: CUSTOM DELIVERIES, INC., 24680 Mound Road, Warren, MI 48091. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *motor vehicle parts, motor vehicle accessories, motor vehicle components, and motor vehicle equipment,* (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), and (3) *publications, advertising material, and packaging and shipping supplies,* (except commodities in bulk), between points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NV, NM, OK, OR, TN, TX, UT, WA, WI, and WY, under continuing contract(s) with Chrysler Corporation, Services & Parts Division, of Center Line, MI. (Hearing site: Washington, DC.)

MC 142703 (Sub-13F), filed October 2, 1978. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third Street, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, OH, on the one hand, and, on the other, points in KY, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Columbus, OH)

MC 142723 (Sub-3F), filed October 5, 1978. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail

Lane, Pittsburgh, PA 15215. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *such commodities as* are dealt in or used by retail variety, department, and drug stores (except commodities in bulk), between Monroe, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MS, NC, OH, SC, TN, TX, VA, WV, and PA, under continuing contract(s) with G. C. Murphy Company of McKeesport, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 143059 (Sub-32F), filed October 27, 1978. Applicant: MERCER TRANSPORTATION CO., a Texas Corporation, P.O. Box 35610, Louisville, KY 40232. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *used railroad ties*, from points in ID, MT, and WY, to points in AZ, CA, and NV. (Hearing site: Dallas, TX.)

MC 143218 (Sub-3F), filed October 23, 1978. Applicant: DONALD SANTISI TRUCKING COMPANY, A Corporation, 1024 North Main Street, Niles, OH 44446. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *steel doors and steel frames*, from Niles, OH, to points in AZ, CA, CO, ID, FL, KS, MO, MT, NM, NV, OK, OR, TX, UT, and WA, under continuing contract(s) with Amweld Building Products, division of American Welding & Manufacturing, of Niles, OH; and (2) *threaded rods and studs, and parts for threaded rods and studs*, from Cleveland, OH, to Las Vegas, NV, and Houston, TX, under continuing contract(s) with Cardinal Threading, division of Production Experts, of Cleveland, OH. (Hearing site: Columbus, OH.)

MC 143329 (Sub-4F), filed October 30, 1978. Applicant: JIM S. PAPPAS, d.b.a. JIM'S SERVICE, 8300 West 102nd St., Overland Park, KS 66212. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *magazines*, from Lawrence, KS, to Springfield, IL, under continuing contract(s) with T V Guide, of Kansas City, MO. (Hearing site: Kansas City, MO.)

MC 143909 (Sub-6F), filed October 26, 1978. Applicant: KIRBY TRANSPORT, INC., 6677 N. Northwest Highway, Chicago, IL 60631. Representative: Stuart R. Mandel, 315 S. Beverly Dr.—Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *paint materials, paint ingredients, putty, caulking compounds, glazing compounds, adhesive cement, and glue*, (except commodities in bulk, in tank vehicles), from Dayton and Tipp City, OH, to Alsip, IL and points in AZ, AR, CA, CO, ID, KS, LA, MO, MT, NV, NM, OR, UT, WA, and TX, under continuing contract(s) with D.A.P., Inc., of Dayton, OH. (Hearing site: Cleveland, OH or Los Angeles, CA.)

MC 144083 (Sub-7F), filed October 5, 1978. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *new furniture*, from the facilities of La-Z-Boy, South, Inc., at or near Newton, MS, to points in AR, FL, KS; LA, MO, and OK. (Hearing site: Jackson, MS.)

NOTE.—Dual operations are involved in this proceeding.

MC 144083 (Sub-8F), filed October 6, 1978. Applicant: RALPH WALKER, INC. P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *lawn mowers*, from the facilities of Aircap Manufacturers, Inc., at or near Tupelo, MS, to points in AZ and CA. (Hearing site: Tupelo or Jackson, MS.)

NOTE.—Dual operations are involved in this proceeding.

MC 144101 (Sub-5F), filed September 8, 1978. Applicant: R. R. STANLEY, Box 95, Mesquite, TX 75149. Representative: Richard T. Churchill, Suite 106, 5001 S. Hulen, Fort Worth, TX 76132. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs*, from the plantsite of Portion-Trol Foods, Inc., at Mansfield, TX, to points in CA, OR, WA, AZ, NV, ID, MT, and UT, under continuing contract(s) with Portion-Trol Foods, Inc., of Mansfield, TX. (Hearing site: Fort Worth or Dallas, TX.)

MC 144622 (Sub-16F), filed September 5, 1978. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip Glenn (same address as applicant). To operate as *common carrier*, by motor vehicle, over irregular routes, transporting (1) *foodstuffs, restaurant furniture, restaurant fixtures*, and *restaurant supplies*, (except commodities in bulk); and (2) *fish, poultry*, and *produce* otherwise exempt from economic regulation under Section 10526(a)(b) [formerly section 203 (b)(6)] of the Interstate Commerce Act, when moving in mixed loads with the commodities in (1) above (except commodities in bulk), between the facilities used by Sambo's restaurants, Inc., at or near (a) Carpinteria, CA and (b) Florence, KY. Hearing Site: Los Angeles, CA)

NOTE.—Dual operations are involved in this proceeding.

MC 144622 (Sub-18F), filed September 18, 1978. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip Glenn (same address as applicant). To operate as *common carrier*, by motor vehicle, over irregular routes, transporting *frozen meat*, from Sioux City, IA, to points in AL, AR, LA, GA, CT, DE, FL, MS, MO, MD, NC, NY, NJ, PA, RI, KY, TN, SC, VA, and WV. (Hearing Site: Sioux City, IA)

NOTE.—Dual operations are involved in this proceeding.

MC 144761. (Sub-2F), filed September 5, 1978. Applicant: R. B. (PARKER) GOODLOE, d.b.a. GOODLOE TRUCKING CO., 7919 Louisville Ave., Lubbock, TX 79423. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. To operate as *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as ar dealt in or used by meat-packing houses, in bulk, in tank vehicles, from Clovis, NM, and Amarillo and Lubbock, TX, to points in TX, restricted to the transportation of traffic moving in foreign commerce only. (Hearing site: Lubbock or Dallas, TX)

MC 144791 (Sub-2F), filed September 7, 1978. Applicant: DONALD EDWARD McKENZIE, d.b.a, C & D CONTRACTING, 13491-112th Ave., Surrey, British Columbia, Canada, V3R 2E7. Representative: Donald Edward McKenzie (same address as applicant). To operate as *contract carrier*, by motor vehicle, over irregular routes, transporting *plastic bins*, from Tacoma, WA, to ports of entry on the international boundary line between the United States and Canada, at or near Blaine, Lynden, and Sumas, WA, under continuing contract(s) with Agri-Tramer Corp., of Wenatchee, WA, restricted to the transportation of traffic destined to points in the Province of British Columbia, Canada. CONDITION: Prior receipt from applicant of an affidavit setting forth its appropriate complementary Canadian authority or explaining why so such Canadian authority is necessary. (Hearing site: Seattle, WA)

NOTE.—The restriction and condition contained in the grant of authority in this pro-

ceeding 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 the 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 144858 (Sub-5F), filed October 23, 1978. Applicant: DENVER SOUTHWEST EXPRESS, INC., A Nebraska Corporation, P.O. Box 9950, 1310 Stagecoach Road, Little Rock, AR 72209. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *shampoo and toilet preparations, and accessories* for shampoo and toilet preparations (except commodities in bulk, in tank vehicles), from Clark and Piscataway, NJ, to Chicago, IL, Cleveland, OH, and Detroit, MI. (Hearing site: Little Rock, AR or Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 144859 (Sub-1F), filed October 24, 1978. Applicant: SCOTT PALLETS, INC., Box 341, Amelia, VA 23002. Representative: Calvin F. Major, 200 West Grace St., Suite 415, Richmond, VA 23220. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *lumber* used in the manufacture of furniture, from points in OH, PA, WV, and MD, to points in VA and NC, under continuing contract(s) with (a) GMC Hardwoods, Inc., of Dover, MA, and (b) National Lumber Co., Inc., of Augusta, GA. Conditions: Said carrier shall conduct separately its contract carrier operation and its other business activities. Carrier shall maintain separate accounting systems for each such business. Carrier shall not transport property as both a private and for-hire carrier at the same time and in the same vehicle. (Hearing site: Richmond, VA.)

MC 144915 (Sub-1F), filed October 11, 1978. Applicant: R. & M. SERVICES, INC., 1501 Marlborough Street, Montreal, P.Q. H1W2L1, Canada. Representative: Brian L. Troiano, 918 16th Street, Washington, DC 20006. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *animal and poultry nutritional feed, and animal and poultry feed ingredients,* (1) between ports of entry on the international boundary line between the United States and Canada (a) in Franklin and Clinton Counties, NY, and (b) in VT, on the one hand, and, on the other, points in Albany, Renssalaer, Saratoga, Washington, Warren, Essex, Clinton, Franklin, and St. Lawrence Counties, NY, and points in VT, and (2) from Swanton, VT, to points in Albany, Renssalaer, Saratoga, Washington, Warren, Essex, Clinton, Franklin, and St. Lawrence Counties, NY, restricted in (1) above to the transportation of traffic originating at or destined to points in the Province of Quebec, Canada.

NOTE.—The restriction contained in the grant of authority in this proceeding is 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. (Hearing site: Montpelier, VT or Albany, NY.)

MC 145071 (Sub-2F), filed September 11, 1978. Applicant: EATON BROS., INC., 1020 West Brady, Clovis, NM 88101. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *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 commodities in bulk, in tank vehicles), between the facilities of Hatch Packing Co., at Portales, NM, on the one hand, and, on the other, points in the United States (except AK, HI, and NM), under continuing contract(s) with Hatch Packing Co., of Portales, NM. (Hearing site: Clovis, NM or Amarillo, TX.)

MC 145179 (Sub-3F), filed October 24, 1978. Applicant: J & J CONTRACT CARRIER, INC., 60 South State Ave., Indianapolis, IN 46201. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *such commodities* as are dealt in or used by food business houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of the Kroger Company, at Cincinnati and Columbus, OH, on the one hand, and, on the other, points in AR, GA, IL, IN, KY, MI, MO, TN, TX, VA, WV, and those in PA on and west of U.S. Hwy 219, under continuing contract(s) with The Kroger Company, of Cincinnati, OH. (Hearing site: Indianapolis, IN.)

MC 145242 (Sub-2F), filed September 15, 1978. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *fiberboard* and *pulpboard,* from the facilities of Johns Manville Corp., at Woodstock, VA, to points in OH and WV. (Hearing site: Columbus, OH.)

MC 145297F, filed August 22, 1978. Applicant: VERN BREAZEALE FREIGHT SERVICE, INC., d.b.a. DENVER—LANDER—RIVETON, FREIGHT SERVICE, 1908 Custer, Laramie, WY 82070. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82001. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Denver, CO, and Riverton, WY: from Denver over Interstate Hwy 25 to junction CO Hwy 14, then over CO Hwy 14 to junction U.S. Hwy 287 at Fort Collins, CO, then over U.S. Hwy 287 to junction Interstate Hwy 80 at Laramie, WY, then over Interstate Hwy 80 to junction U.S. Hwy 287 at Rawlins, WY, then over U.S. Hwy 287 to junction WY Hwy 789 at Lander, WY, then over WY Hwy 789 to Riverton, and return over the same route, serving all intermediate and off-route points in Fremont County, Wy, and (2) between Lander and Dubois, WY: over U.S. Hwy 287, serving all intermediate and off-routes in Fremont County, WY. (Hearing site: Lander or Riverton, WY.)

MC 145437F, filed September 18, 1978. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Avenue, Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *wearing apparel,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of wearing apparel, between Warren, AR, Bainbridge, GA, Junction City and Minden, LA, and Brown Deer, LaCrosse, and Milwaukee, WI, on the one hand, and, on the other,

points in the United States (except AK and HI), under continuing contract(s) with Jack Winter Apparel, Inc., and Mary Lester Fashion Fabrics, Inc., both of Milwaukee, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 145460F, filed September 18, 1978. Applicant: WALSH TRUCKING CO., INC., 311 17th Street, Jersey City, NJ 07302. Representative: Murray M. Silver, 100 Colony Square, Suite 1700, 1175 Peachtree Street, Atlanta, GA 30361. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt or used by retail department stores, between New York, NY, on the one hand, and, on the other, Los Angeles, San Francisco, San Jose, Santa Rosa, and Salinas, CA. (Hearing site: New York, NY, or Washington, DC.)

MC 145525F, filed October 13, 1978. Applicant: ERIEVIEW CARTAGE, INC., a Delaware corporation, 100 Erieview Plaza, Cleveland, OH 44144. Representative: E. Stephen Hiesley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *aluminum articles*, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution, of the commodities in (1) above (except commodities in bulk), between Oswego, NY, on the one hand, and, on the other, points in the United States, (except AK and HI), under continuing contract(s) with Alcan Aluminum Corporation, of Cleveland, OH. (Hearing site: Cleveland, OH.)

MC 145528F, filed October 6, 1978. Applicant: TOMKO TRUCKING, INC., 1850 Enterprise Drive, DePere, WI 54115. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *malt beverages and malt beverage dispensing equipment*, from Detroit, MI, to Green Bay, WI, under continuing contract(s) with Kay Distributing, Inc., of Green Bay, WI. (Hearing site: Madison or Milwaukee, WI.)

MC 145629F, filed October 16, 1978. Applicant: FUCHS, INC., R.R. 1, Box 576, Sauk City, WI 53583. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *dry fertilizer*, in bulk, from the facilities of N-Ren Corp., in Jo Daviess County, IL, to points in IA, MN, and WI. (Hearing site: Madison, WI, or Chicago, IL.)

NOTE.—Dual operations are involved in this proceeding.

MC 145629 (Sub-1F), filed October 18, 1978. Applicant: FUCHS, INC., R.R. 1, Box 576, Sauk City, WI 53583. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *lumber, lumber products, and building components*, and (2) *equipment, materials and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, between Warrens, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Madison or LaCrosse, WI.)

NOTE.—Dual operations are involved in this proceeding.

MC 145639F, filed October 23, 1978. Applicant: TRANSTECH LTD., 5500 Bradley, Sioux City, IA 51102. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *trailers*, (except those designed to be drawn by passenger automobile and recreational vehicles), from Sioux City, IA, and Canton, SD, to points in the United States (except AK and HI), and (2) *used trailers, and materials, equipment and supplies* used in the manufacture, repair, sale, and distribution of trailers (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to Sioux City, IA and Canton, SD, under continuing contract(s) in (1) and (2) above with Muv-all Trailers Division of Multech Corporation, of Sioux City, IA, and Heavy Haul Trailers, Inc., of Canton, SD. (Hearing site: Omaha, NE.)

BROKER AUTHORITY

MC 130199 (Sub-2F), filed October 24, 1978. Applicant: GADABOUT TOURS, INC., d.b.a. ANDERSON TRAVEL SERVICE, 700 East Tahquitz McCallum Way, Palm Springs, CA 92262. Representative: L. C. Major, Jr., Overlood Building, Suite 400, 6121 Lincolnia Road, Alexandria, VA 22312. To engage in operations, in interstate or foreign commerce, as a *broker*, at Hemet, Palm Desert, Palm Springs, Riverside, San Diego, and Yucaipa, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, in all-expense round-trip tours, between points in the United States, including AK and HI. Condition: Prior cancellation, at applicant's written request, of its authority in MC 130199 (Sub-No. 1), issued August 31, 1977. (Hearing site: San Bernardino or Los Angeles, CA.)

MC 130524F, filed September 6, 1978. Applicant: JOHN R. JULIAN AND MARK N. JULIAN, a partnership, d.b.a. JULIAN TRAVEL ASSOCIATES, 11th and E Streets NW., Washington, DC 20004. Representative: Bruce W. Dunne, 1776 F Street NW., Suite 300, Washington, DC 20006. To engage in operations, in interstate or foreign commerce, as a *broker*, at Washington, DC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in MD, VA, and DC, and extending to points in the United States (including AK and HI). (Hearing site: Washington, DC.)

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, N.Y.*, 54 M.C.C. 291 (1952).

[FR Doc. 78-34028 Filed 12-6-78; 8:45 am]

[7035-01-M]

[Decisions Volume No. 52]

DECISION—NOTICE

Decided: November 21, 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 in-

cludes 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 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 decisions-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 808 (Sub-55F), filed October 27, 1978. Applicant: ANCHOR MOTOR FREIGHT, INC., a Delaware corporation, 21111 Chagrin Boulevard, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *motor vehicles,* (1) from Linden, NJ, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY, and (2) from Tarrytown, NY, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IA, KS, LA, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TX, UT, WA, WI, and WY, under contract with General Motors Corp., of Warren, MI. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 1585 (Sub-11F), filed October 20, 1978. Applicant: BARNES TRUCK LINE, a corporation, 1320 Highway 13 North, Columbia, MS 39429. Representative: Harold D. Miller, Jr., 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier,* by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between McComb and Tylertown, MS, over U.S. Hwy 98, (2) between Brookhaven and Prentiss, MS, over U.S. Hwy 84, and (3) between Jackson, MS, and New Orleans, LA, from Jackson over U.S. Hwy 51 and Interstate Hwy 55, to LaPlace, LA, then over Interstate Hwy 10 to New Orleans, and return over the same route, serving all intermediate points in MS. Restriction: Service to intermediate points in MS is restricted to the handling of shipments moving to, from, or through New orleans or points within its commercial zone. (Hearing site: New Orleans, LA.)

MC 2368 (Sub-84F), filed October 18, 1978. Applicant: BRALLEY-WILLET TANK LINES, INC., a Virginia corporation, 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, VA 23204. Representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *chemicals,* in bulk, between points in VA, on the one hand, and, on the other, points in GA, MD, NC, and SC. (Hearing site: Washington, DC.)

MC 5470 (Sub-162F), filed October 23, 1978. Applicant: TAJON, INC., a Delaware corporation, R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 20006. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *sand,* in dump vehicles, (1) from points in La Salle County, IL, to points in CT, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VA, VT, and WV, and (2) from Oregon, IL, and Portage, WI, to points in CT, IN, KY, MI, NJ, NY, OH, PA, and WV. (Hearing site: Washington, DC, or Chicago, IL.)

MC 22311 (Sub-8F), filed September 15, 1978. Applicant: WEST SHORE TRANSFER, INC., 215 Marble Street, Hammond, IN 46320. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *iron and steel articles,* from the facilities of Northwestern Steel and Wire Co., at or near Sterling and Rock Falls, IL, to those points in the United States in and east of WI, IA, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, 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 except traffic moving in foreign commerce. (Hearing site: Chicago, IL)

MC 30803 (Sub-4F), filed October 9, 1978. Applicant: WALSH BROS., INC., 33 Brill Street, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *iron and steel articles,* (2) *metal roofs, floor deckings, and metal sidings* (except those which are iron and steel articles) and (3) *materials, equipment, and supplies* used in the installation, manufacture and sale of the commodities

named in (1) and (2) above, (except commodities in bulk), between Allentown, Malvern, and Morrisville, PA, and the facilities of United Steel Deck, Inc., at South Plainfield, NJ, on the one hand, and on the other, 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, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada, restricted to the transportation of traffic originating at and destined to the named points. (Hearing site: Newark, NJ)

MC 35320 (Sub-160F), filed October 5, 1978. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, ammunition and parts of ammunition commodities in bulk, and those requiring special equipment), serving the facilities of General Tire Rubber Co., at or near Waco, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Dallas, TX, or Oklahoma City, OK)

MC 40270 (Sub-14F), filed September 22, 1978. Applicant: CRABBS TRANSPORT, INC., P.O. Box 3486, Enid, OK 73701. Representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, OK 73107. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *salt and salt products* (except in bulk), from Lyons, KS, to points in OK. (Hearing site: Oklahoma City, OK, or Wichita, KS)

MC 40898 (Sub-23F), filed October 27, 1978. Applicant: S & W MOTOR LINES, INC., P.O. Box 11439, Greensboro, NC 27409. Representative: A. W. Flynn, Jr., 314 South Eugene Street, P.O. Box 180, Greensboro, NC 27402. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *glass containers*, from Greensboro and Clemmons, NC, to Eden, NC. (Hearing site: Greensboro, NC).

MC 40978 (Sub-42F), filed October 25, 1978. Applicant: CHAIR CITY MOTOR EXPRESS CO., a corporation, 3321 Business 141 South, Sheboygan, WI 53081. Representative: William C. Dineen, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *new furniture*, from Archbold, Bedford, Celina, Lancaster, Swanton, and Youngstown, OH, to points in IL, MN, WI, and those in the Upper Peninsula of MI. (Hearing site: Columbus, OH, or Chicago, IL).

MC 40978 (Sub-43F), filed October 26, 1978. Applicant: CHAIR CITY MOTOR EXPRESS CO., a corporation, 3321 Business 141 South, Sheboygan, WI 53081. Representative: William C. Dineen, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *new furniture*, (1) from Sturgis, MI, to points in IL, and (2) from Monroe, MI, to points in IL, MN, WI, and those in the Upper Peninsula of MI. (Hearing site: Lansing, MI, or Chicago, IL).

MC 40978 (Sub-44F), filed October 30, 1978. Applicant: CHAIR CITY MOTOR EXPRESS CO., a corporation, 3321 Business 141 South, Sheboygan, WI 53081. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *kitchen and vanity cabinets*, and *parts* for kitchen, and vanity cabinets, (1) from Adrian, MI, to points in IL, IN, IA, MN, WI, and those in the Upper Peninsula of MI, and (2) from Lakeville, MN, to points in IL, IA, WI, and those in the Upper Peninsula of MI. (Hearing site: Chicago, IL).

MC 48958 (Sub-161F), filed October 27, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., a Nebraska corporation, 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, 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 Farmland Foods, Inc., at or near Crete, NE, to points in AZ, CA, CO, NM, and UT, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 48958 (Sub-162F), filed November 1, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., a Nebraska corporation, 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, over irregular routes, transporting (1) *packaged meats and meat products*, in vehicles equipped with mechanical refrigeration, and (2) *cellulose film, plastic film, and plastic sheeting*, in vehicles equipped with mechancial refrigeration, between Lansing, IL, and Hammond, IN, on the one hand, and, on the other, Searcy, AR, restricted to the transportation of shipments originating at and destined to the facilities of Land O'Frost, Inc. (Hearing site: Chicago, IL.)

MC 63417 (Sub-173F), filed September 27, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *water heaters, hot water tanks, and heating boilers*, (except commodities which because of size or weight require the use of special equipment), from Kankakee, IL, to points in FL. (Hearing site: Roanoke, VA or Chicago, IL.)

MC 63417 (Sub-174F), filed September 27, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *insulating materials*, from the facilities of Rock Wool Manufacturing Company, at Leeds, AL, to Cincinnati, OH. (Hearing site: Roanoke, VA, or Birmingham, AL.)

MC 66886 (Sub-67F), filed August 28, 1978. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *dust collection systems and parts* for dust collection systems, and *grain handling equipment*, from Hutchinson, KS, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX, and (2) commodities used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Kansas City, MO).

MC 66886 (Sub-68F), filed September 5, 1978. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *particleboard, lumber, and lumber mill products*, from Narajo, NM, to points in IL, IN, KY, MO, OK,

TN, and TX. (Hearing site: Denver, CO, or Albuquerque, NM).

MC 67450 (Sub-71F), filed October 16, 1978. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *silica and silica products*, (except commodities in bulk), from points in Alexander and LaSalle Counties, IL, to points in AL, AZ, AR, CA, CO, CT, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, MS, NE, NJ, NY, NC, OH, OR, PA, SC, TN, TX, UT, VA, WA, WV, and WI. (Hearing site: Chicago, IL).

MC 93980 (Sub-77F), filed September 26, 1978. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (A)(1) *iron and steel articles*, from Pittsburgh and Philadelphia PA, Connersville, IN, and points in OH, (2) *prefabricated metal building products*, from Connersville, IN, (3) *ventilators, ventilator parts, air louvers, and prefabricated building metal work*, from Batavia, OH, to points in FL, GA, NC, SC, and VA; and (B) *aluminum sheet and plastic sheets* and *accessories for aluminum sheets and plastic sheets*, from Connersville, IN, and Zelienople, PA, to points in FL, GA, NC, and VA. (Hearing site: Washington, DC).

MC 59323 (Sub-7F), filed October 6, 1978. Applicant: BAY MOTOR EXPRESS, INC., 400 Corporate Drive, Mahwah, NJ 07430. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *automotive parts and automotive accessories*, and *such commodities* as are dealt in or used by distributors of automotive parts, (except commodities in bulk), between the facilities of General Motors Parts Division, General Motors Corporation, at or near Cornwells Heights, PA, on the one hand, and, on the other, (a) New York, NY, (b) points in Albany, Columbia, Dutchess, Green, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Sullivan, Ulster, and Westchester Counties, NY, (except those points in the New York City commercial zone), (c) points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, NJ, (except those points in the New York City, NY, commercial zone), and (d) points in CT. (Hearing site: New York, NY, or Washington, DC.)

MC 98327 (Sub-32F), filed September 11, 1978. Applicant: SYSTEM 99, a corporation, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Michael J. O'Neill (same address as applicant). To operate as a *common carrier*, by motor vehicle, 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 Eugene and Medford, OR, over Interstate Hwy 5, as an alternate route for operating convenience only, serving no intermediate points and serving the termini for purpose of joinder only. (Hearing site: Portland, OR, or Seattle, WA.)

MC 98952 (Sub-58F), filed September 20, 1978. Applicant: GENERAL TRANSFER CO., a Delaware corporation, 2880 North Woodford Street, Decatur, IL 62526. Representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, IL 62701. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foods* in vehicles equipped with mechanical refrigeration, from the facilities of Continental Freezers of Illinois, at Chicago, IL, to points in IN, KY, MI, MO, OH, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Springfield or Chicago, IL.)

MC 100666 (Sub-411F), filed September 11, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *cement asbestos pipe*, from the facilities of Certain-Teed Corporation, at or near Hillsboro, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 102616 (Sub-961F), filed September 11, 1978. Applicant: COASTAL TANK LINES, INC., A Delaware corporation, 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *spent petroleum oil*, in bulk, in tank vehicles, from points in AL, GA, IL, KY, MI, MN, MS, OH, PA, TN, WI, and WV, to Indianapolis, IN; and (2) *petroleum oils*, in bulk, in tank vehicles, in the reverse direction. (Hearing site: Detroit, MI, or Washington, DC.)

MC 102616 (Sub-962F), filed September 8, 1978. Applicant: COASTAL TANK LINES, INC., A Delaware Corporation, 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Dow Chemical, U.S.A., at or near Dalton or Tildale, GA, to those 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, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 104896 (Sub-55F), filed September 11, 1978. Applicant: WOMELDORF, INC., East Penn Avenue, P.O. Box G, Knox, PA 16232. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *foodstuffs and pet foods*, (except commodities in bulk), and (2) *equipment, materials, and supplies used in the manufacture and distribution of foodstuffs and pet foods*, (except commodities in bulk), between the facilities of Nabisco, Inc., at Fair Lawn, NJ, Buffalo, Geneva, and Niagara Falls, NY, Philadelphia and Pittsburgh, PA, and Richmond, VA, on the one hand, and, on the other, points in DE, MD, NJ, NY, OH, PA, WV, VA, and DC, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 105461 (Sub-102F), filed September 18, 1978. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *waste paper, pulpboard, fiberboard, and paperboard products*, (a) between Amsterdam and Canandaigua, NY, on the one hand, and, on the other, points in Erie, Warren, McKean, Potter, Tioga, Crawford, Mercer, Venango, Forest, Elk, Cameron, Cambria, Blair, Butler, Lycoming, Lawrence, Beaver, Armstrong, Clarion, Indiana, Jefferson, Clearfield, Centre, Allegheny, Westmoreland, Washington, and Clinton Counties, PA, and Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Carroll, Stark, Portage, Geauga, Lake, Cuya-

hoga, Summit, Wayne, Medina, and Lorain Counties, OH, (b) between Lowell and Walpole, MA, on the one hand, and, on the other, those points in New York on and west of Interstate Hwy 81, and (c) between Lowell, Walpole, and Holyoke, MA, Amsterdam and Canandaigua, NY, and Robesonia, PA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between Lowell, Walpole, and Holyoke, MA, Amsterdam and Canandaigua, NY, and Robesonia, PA. (Hearing site: Washington, DC, or Philadelphia, PA).

MC 106274 (Sub-28F), filed September 13, 1978. Applicant: RAEFORD TRUCKING CO., a corporation, P.O. Box 219, Sanford, NC 27330. Representative: Edward G. Villalon, Suite 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *lumber, lumber products, poles, posts, piling, hardboard, flakeboard, particleboard, fibreboard, landscape timbers, cross ties, and wood residuals*, from those points in Beaufort, Craven, Jones, Martin, and Onslow Counties, NC, on and west of U.S. Hwy 17, those in Pender County, NC, on and west of U.S. Hwy 117, and points in Alamance, Anson, Bladen, Brunswick, Cabarrus, Caswell, Chatham, Columbus, Cumberland, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Granville, Greene, Guilford, Halifax, Harnett, Hoke, Johnston, Lee, Lenoir, Mecklenburg, Montgomery, Moore, Nash, New Hanover, Northampton, Orange, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanley, Stokes, Union, Vance, Wake, Warren, Wayne, and Wilson counties, NC and points in SC (except those in Abbeville, Aiken, Anderson, Edgefield, and McCormick Counties), to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, and (2) *bookcases and shelving*, from points in Moore County, NC, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. CONDITION: Prior or coincidental cancellation of all duplicating authority under MC-106274. (Hearing site: Charlotte, NC, or Columbia, SC).

MC 106401 (Sub-52F), filed September 18, 1978. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Thomas G. Sloan (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of J. H. Filbert, Inc., in Clayton, Cobb, DeKalb, Douglas, and Fulton Counties, GA, to points in KY, MD, NC, OH, SC, TN, VA, WV, and DC. (Hearing site: Atlanta, GA, or Washington, DC).

MC 106644 (Sub-267), filed September 25, 1978. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *cast stone veneer*, from points in Napa and Solano Counties, CA, to points in AR, NM, TX, OK, AZ, LA, MS, TN, AL, GA, NC, SC, and FL. (Hearing site: San Francisco, CA, or Washington, DC.)

MC 107295 (Sub-890F), filed October 23, 1978. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *gypsum wallboard and gypsum plaster*, from points in Clark County, NV, to points in CA, AZ, UT, and ID. (Hearing site: Los Angeles, CA.)

MC 109584 (Sub-181F), filed September 15, 1978. Applicant: ARIZONA-PACIFIC TANK LINES, a Arizona corporation, 3980 Quebec Street, P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *liquid fertilizer*, in bulk, in tank vehicles, from Douro, TX, to points in AZ and CA. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 111940 (Sub-72F), filed October 11, 1978. Applicant: SMITH'S TRUCK LINES, a corporation, P.O. Box 88, Muncy, PA 17756. Representative: John M. Musselman, P.O. Box 1146, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *solar salt*, from Baltimore, MD, to points in NY and PA (except points in Adams, Berks, Chester, Cumberland, Dauphin, Delaware, Lancaster, Montgomery, Philadelphia, and York Counties, PA.) (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 112801 (Sub-211F), filed September 15, 1978. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Inedible tallow*, in bulk, in tank vehicles, from Mason City, IL, to points in IN and MO; and (2) *foundry sand additives*, in bulk, in tank vehicles, from Cicero, IL, to points in IN, IA, MI, and WI. (Hearing site: Chicago, IL.)

MC 113434 (Sub-111F), filed September 15, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Richard C. Marsh, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plastic bottles*, from Port Clinton, OH, to points in MI. (Hearing site: Chicago, IL or Washington, DC.)

MC 113434 (Sub-113F), filed September 20, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *containers and container ends*, from the facilities of Owens-Illinois, Inc., at or near Perrysburg, OH, to points in MI. (Hearing site: Detroit, MI, or Columbus, OH.)

MC 114211 (Sub-376F), filed September 18, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *pipe, fittings, valves*, and *hydrants*, and (2) *accessories* for the commodities named in (1) above, from Columbia, MO, to points in AL, AK, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114334 (Sub-38F), filed September 20, 1978. Applicant: BUILDERS TRANSPORTATION CO., a corporation, 3710 Tulane, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, from the facilities of Republic Steel Corp. at or near Gadsden, AL, to points in AR, and TN. (Hearing site: Memphis, TN.)

MC 115162 (Sub-427F), filed September 13, 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, over irregular routes, transporting *pulpboard, waste pulpboard, woodpulp*, and *pulpboard products* (except commodities in bulk, in tank vehicles), from the facilities of Gulf States Paper Corporation, at or

near Demopolis and Maplesville, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Birmingham or Tuscaloosa, AL.)

MC 115162 (Sub-430F), filed September 18, 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, over irregular routes, transporting *cross ties*, from Brimingham and Brierfield, AL, to points in IA. (Hearing Site: Birmingham, AL, or Atlanta, GA.)

MC 115311 (Sub-306F), filed September 18, 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, over irregular routes, transporting (1) *asbestos cement pipe, couplings, and fittings*, and (2) *accessories* used in the installation of the commodities named in (1) above, (except commodities in bulk), from the facilities of CertainTeed Corporation, (a) at Hillsboro, TX, to points in the United States (except AK and HI), and (b) at Ambler, PA, to those points in the United States in and east of WI, IL, KY, TN, MS, and LA; (3) *plastic pipe, couplings, and fittings*, and (4) *accessories* used in the installation of the commodities named in (3) above, (except commodities in bulk), from the facilities of CertainTeed Corporation, at Social Circle, GA, to points in AR, DE, IL, IN, LA, MD, OH, PA, VA, and DC. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 115654 (Sub-110F), filed September 18, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in by wholesale and retail grocery houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (a) from Fostoria and Cincinnati, OH, to points in KY, and (b) from Fostoria, OH, to points in WV, Restricted in (a) and (b) above to the transportation of traffic originating at the facilities of Fostoria Distribution Service Co., and destined to the indicated destinations.(Hearing site: Cincinnati, OH, or Nashville, TN.)

NOTE.—In view of the findings in No. MC-115654 (Sub-No. 43) 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 115654 (Sub-111F), filed September 18, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen bakery products*, from Ashland, KY, to Murfreesboro, TN. (Hearing site: Buffalo, NY, or Nashville, TN.)

NOTE.—In view of the findings in MC 115654 (Sub-43) 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 115654 (Sub-112F), filed September 15, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Building, 13th and Pennsylvania Avenue, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in by wholesale and retail grocery houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of The Kroger Company, at or near Columbus and Cincinnati, OH, to the facilities of The Kroger Company, at or near Atlanta, GA, Dallas and Houston, TX, Little Rock, AR, Memphis and Nashville, TN, and St. Louis, MO. (Hearing site: Cincinnati, OH, or Nashville, TN.)

NOTE.—In view of the findings in MC 115654 (Sub-43) 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 116915 (Sub-73F), filed October 26, 1978. Applicant: ECK MILLER TRANSPORTATION CORP. (a Kentucky corporation), 1830 S. Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plastic pipe and fittings*, and *accessories* for plastic pipe (except commodities in bulk), from Greensboro, GA, to points in NC, SC, VA, TN, AL, MS, LA, and FL. (Hearing site: Atlanta, GA.)

MC 118776 (Sub-29F), filed September 1, 1978. Applicant: C. L. CONNORS, INC. (a Delaware corporation), 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *beer*, from Milwaukee, WI, Peoria, IL, Omaha, NE, and Pabst, GA, to Hannibal and Mexico, MO. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 118806 (Sub-63F), filed July 3, 1978, and previously noticed in the FEDERAL REGISTER issue of September 19, 1978. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Boulevard, Suite 200, Winnepeg, MB, Canada R25 3K4. Representative: Bernard J. Kompare, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities as are dealt in by agricultural equipment and lawn and leisure product manufacturers and dealers*, (except commodities in bulk), between the ports of entry on the International Boundary line between the United States and Canada in MI and NY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic (a) moving in foreign commerce and (b) originating at or destined to points in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, 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: Chicago IL.)

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. This republication corrects the commodity and territorial description.

MC 119547 (Sub-50F), filed September 25, 1978. Applicant: EDGAR W. LONG, INC., 3815 Old Wheeling Road, Zanesville, OH 43710. Representative: E. H. van Deusen, 220 West Bridge Street, P.O. Box 97, Dublin, OH 43017. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *clay and feldspar*, (except commodities in bulk), and (2) *materials and supplies* used in the manufacture of clay products, (except commodities in bulk), from points in GA, NC, and SC, to points in OH. (Hearing site: Columbus, OH.)

MC 119547 (Sub-51F), filed September 26, 1978. Applicant: EDGAR W. LONG, INC., 3815 Old Wheeling Road, Zanesville, OH 43710. Representative: E. H. van Deusen, 220 West Bridge Street, P.O. Box 97, Dublin, OH 43017. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *clay and clay products*, from points in Graves County, KY, Henry and Weakley Counties, TN, and Quitman County, MS, to points in CT, DE, IL, IN, ME, MD, MI, NJ, NY, OH, PA, RI, VA, and WV. (Hearing site: Columbus, OH.)

MC 120737 (Sub-50F), filed September 21, 1978. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: Joseph Winter, 29 S. LaSalle Street, Chicago, Il 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plastic pipe, plastic fittings, iron valves, and iron hydrants*, from the facilities of Clow Corporation, at or near Columbia, MO, to those points in the United States in and east of WI, IA, MO, AR, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 121654 (Sub-16F), filed September 25, 1978. Applicant: COASTAL TRANSPORT & TRADING CO., a corporation, P.O. Box 458, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, 5th Floor, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *hardwood, plywood, paneling, hardboard, particleboard, gypsum, molding, and trim*, (1) from Charleston, SC, Jacksonville and Tampa, FL, New Orleans, LA, and Savannah, GA, to the facilities of Paneling Industries, Inc., at Fort Valley, GA; and (2) from the destination in (1) above to points in AL, AR, FL, KY, LA, MS, NC, SC, and TN. (Hearing site: Atlanta, GA.)

NOTE.—Dual operations are involved in this proceeding.

MC 123255 (Sub-177F), filed October 25, 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, over irregular routes, transporting *paper and paper products*, (except commodities in bulk), from the facilities of The Mead Corporation, at or near Lynchburg, VA, to points in MI and OH. (Hearing site: Columbus, OH.)

MC 124624 (Sub-5F), filed September 19, 1978. Applicant: EXPRESSWAY, INC., 1105 St. Louis Avenue, Louisville, KY 40210.Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *radios, television sets, phonographs, sound recorders, sound players, amplifiers, loudspeakers, electric games, electric toys*, (2) *parts, accessories, stands, and tables for the commodities* in part (1), and (3) gelatin rolls, from Louisville, KY, to those points in KY on and east of U.S. Hwy 41, and those points in IN on and south of U.S. Hwy 50. (Hearing site: Louisville, KY, or Nashville, TN.)

MC 124947 (Sub-117F), filed September 18, 1978. Applicant: MACHINERY TRANSPORTS, INC., an Oklahoma corporation, 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, over irregular routes, transporting (1) *machinery, and tractors* (except truck tractors) and (2) *equipment, accessories, attachments, and parts* for the commodities described in (1) above, (except commodities in bulk), between the facilities of Rust Tractor Company and Rust Equipment Company, points in NM and TX, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Salt Lake City, UT, or Albuquerque, NM.)

MC 124947 (Sub-118F), filed September 26, 1978. Applicant: MACHINERY TRANSPORTS, INC., an Oklahoma corporation, 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, over irregular routes, transporting *mattresses, liners, bean bags, bedding accessories, and waterbed furniture*, (except commodities in bulk), from the facilities of Classic Products Corp., at or near Beltsville, MD, and Thomasville, NC, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT, or Dallas, TX.)

MC 125687 (Sub-17F), filed September 28, 1978. Applicant: EASTERN STATES TRANSPORTATION PA, INC., 1060 Lafayette Street, York, PA 17405. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *containers, container closures, and container accessories*, from points in PA, to those points in NY on and west of Interstate Hwy 81; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages, (except commodities in bulk), from points in CT, DE, MA, MD, ME, NH, NJ, PA, RI, and VT, to the facilities of Joseph Schlitz Brewing Company, in Cayuga, Onondaga, and Oswego Counties, NY. (Hearing site: Washington, DC.)

MC 126118 (Sub-104F), filed October 30, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *rubber articles*, from Franklin, KY, and Hot Springs, AR, to points in AZ and CA. (Hearing site: Lincoln, NE.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 127974 (Sub-14F), filed September 18, 1978. Applicant: P. LIEDTKA, TRUCKING, INC., 110 Patterson Avenue, Trenton, NJ 08610. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *plywood, particleboard, hardboard, gypsumboard, moulding*, and (2) *accessories* used in the installation of the commodities in part (1), from the facilities of Weyerhaeuser Company, at Chesapeake, VA, to points in DE, MD, ME, NH, PA, and VT. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 129387 (Sub-77F), filed September 11, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *such commodities* as are dealt in by manufacturers of sporting goods and recreational equipment, (except commodities in bulk), from the facilities of Frabill Manufacturing Company, at or near Milwaukee, WI, to points in AL, AR, CA, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, MS, NE, NC, ND, NH, NJ, NY,

NV, OH, OK, OR, PA, RI, SC, SD, TN, TX, VA, VT, WA, and WI; and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), from Seattle, WA, Chicago, IL, and Detroit, MI, to the facilities of Frabill Manufacturing Company, at or near Milwaukee, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 129401 (Sub-10F), filed September 15, 1978. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, NC 28677. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Airplane seats and airplane seat parts*, from Winston-Salem, NC, to points in the United States (except AK, HI, WA, and CA), under a continuing contract with Fairchild Burns Company, Division of Fairchild Industries of Germantown, MD. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 133689 (Sub-236F), filed November 2, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Anthony E. Young, 29 S. LaSalle Street, Suite 350, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by drugstores, between points in AL, CT, DE, FL, GA, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC, on the one hand, and, on the other, points in IL, IN, IA, KY, MN, MO, NE, OH, TN, and WI. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 134477 (Sub-274F), filed September 28, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Oneida, NY, to Mason City, IA. (Hearing Site: St. Paul, MN.)

MC 134477 (Sub-276F), filed September 21, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), from the facilities of Acme Fast Freight, Inc., at (a) North Haven, CT, (b) Boston and Springfield, MA, (c) Baltimore, MD, (d) North Bergen, NJ, (e) New York, NY, and (f) Philadelphia, PA, to Chicago, IL, St. Paul, MN, St. Louis, MO, and Milwaukee, WI, restricted to the transportation of traffic moving on freight bills of lading of freight forwarders. (Hearing site: St. Paul, MN.)

MC 135078 (Sub-35F), filed October 30, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in by retail department stores (except commodities in bulk), from Jersey City, NJ, Philadelphia, PA, and points in CT, MA, OH, and NY, to Omaha, NE. (Hearing site: Omaha, NE.)

NOTE: Dual operations are involved in this proceeding.

MC 135410 (Sub-29F), filed October 10, 1978. Applicant: COURTNEY J. MUNSON, d.b.a., MUNSON TRUCKING, North 6th Street Road, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Illini Beef Packers, Inc., at Joslin, IL, to points in CT, DE, IN, KY, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, VT, WV, WI, and DC. (Hearing site: Chicago, IL.)

MC 135410 (Sub-30F), filed October 23, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plastic parts for agricultural implements*, from Ashtabula, OH, to the facilities of John Deere Plow & Planter Works of Deere & Company, at Moline, IL, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination. (Hearing site: Chicago, IL.)

MC 138157 (Sub-86F), filed September 11, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, a California corporation, 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 vehicle, over irregular routes, transporting *wines and spirits*, (except commodities in bulk), from points in CA, to the facilities of McKesson Wine and Spirits in AR, CT, FL, GA, IL, MA, MO, MD, NE, NY, SC, and TX. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations are involved in this proceeding.

MC 138157 (Sub-89F), filed September 18, 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 vehicle, over irregular routes, transporting (1) *medical equipment, medical materials, and medical supplies*, from Charleston, SC, to Johnson City, TN; restricted to the transportation of traffic (1) having a prior or subsequent movement by water, and (2) destined to the facilities of Pharmaseal Corporation, at or near Johnson City, TN. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations are at issue in this proceeding.

MC 138469 (Sub-87F), filed October 20, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *lube oil, grease, and anti-freeze*, (except commodities in bulk), from the facilities of Cato Oil & Grease Co., at Oklahoma City, OK, to points in the United States (except AK and HI), and (2) *containers* used in the sale and distribution of the commodities in (1) above, in the reverse direction, restricted in (1) and (2) above, to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Oklahoma City or Tulsa, OK.)

MC 138741 (Sub-54F), filed September 18, 1978. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Asbestos cement pipe*,

couplings, and *fitting,* and (2) *accessories* used for the installation of the commodities named in (1) above, (except commodities in bulk), from the facilities of CertainTeed Corp., at Hillsboro, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC, or Dallas, TX.)

MC 138741 (Sub-55F), filed September 15, 1978. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *Iron and steel articles,* from the facilities of Northwestern Steel & Wire Company, at Sterling and Rock Falls, IL, to points in AL, AR, GA, IN, IA, KY, KS, LA, MI, MS, MO, NE, OH, OK, TN, TX, and WI. (Hearing site: Chicago, IL.)

MC 138054 (Sub-28F), filed September 25, 1978. Applicant: CONDOR CONTRACT CARRIERS, INC., a Delaware corporation, 656 Wooster Street, Lodi, OH 44254. Representative: Bradford R. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *saline solutions, blood derivatives, plastic articles, and materials, equipment, and supplies* used in the testing collection, distribution, transfusion, and injection of blood and blood derivatives, (except commodities in bulk) (a) from Memphis, TN, to Round Lake, IL, Edison, NJ, Mansfield, MA, Morrow and Atlanta, GA, Grand Prairie, TX, and Los Angeles, Buena Park, and Costa Mesa, CA, (b) from Los Angeles, Buena Park and Costa Mesa, CA, to Mansfield, MA, Grand Prairie, TX, and Memphis, TN, and (c) from Waukegan and Morton Grove, IL, to Atlanta, GA, and Los Angeles, CA, under contract with Hyland Division of Travenol Laboratories, Inc., of Costa Mesa, CA. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations may involved be in this proceeding.

MC 139206 (Sub-48F), filed September 6, 1978. Applicant: F.M.S. TRANSPORTATION, INC., P.O. Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *agricultural implements, and parts, accessories, and attachments* for agricultural implements, from the facilities of Chromalloy American Corporation, in Vanderburgh County, IN, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction, under contract with Chromalloy American Corporation, of Clayton, MO. (Hearing site: St. Louis, MO.)

MC 139615 (Sub-22F), filed October 20, 1978. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 39, Oskaloosa, IA 52577. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *iron and steel articles,* from the facilities of Jones & Laughlin Steel Corporation, at or near Hammond, IN, to points in IA, NE, and CO. (Hearing site: Chicago, IL.)

MC 140241 (Sub-23F), filed September 15, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *lumber, lumber products, wood products, and millwork,* from points in McKinley County, NM to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NE, OH, OK, TN, TX, and WI. (Hearing site: Kansas City, MO.)

MC 140615 (Sub-30F), filed October 10, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *foodstuffs,* (except in bulk), from the facilities of Atlanta Corp., at New York, NY, Philadelphia, PA, and Totowa, Port Newark, and Jersey City, NJ, to Monett and Carthage, MO, and points in IL, IN, MN, MI, OH, and WI. (Hearing site: New York, NY.)

MC 141084 (Sub-10F), filed August 27, 1978. Applicant: NATIONAL FREIGHT LINES, INC., an Indiana corporation, 13023 Arroyo Avenue, San Fernando, CA 91341. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier* by motor vehicle, over irregular routes, transporting *sugar* (except in bulk), from Supreme, LA, to the facilities of Shurfine-Central Corporation at Little Rock, AR, Denver, CO, Miami, Ocala, and Tampa, FL, College Park and Macon, GA, Staunton, IL, Indianapolis, IN, Des Moines, IA, Elwood and Wichita, KS, Grand Rapids, Lansing, Plymouth, and Muskegon, MI, Kansas City, St. Louis, and Springfield, MO, Gering, Norfolk, and Omaha, NE, Albuquerque, NM, Charlotte, NC, Dennison, Mogadore, and Toledo, OH, Tulsa, OK, Chattanooga, TN, Amarillo, Dallas, and El Paso, TX, and Little Chute, Madison, and New Berlin, WI, under contract with Shurfine-Central Corporation, of Northlake, IL. (Hearing site: Chicago, IL.)

MC 141124 (Sub-27F), filed September 13, 1978. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, DE 19899. Representative: Boyd B. Ferris, 50 W. Broad Street, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *paper and paper products* and *such commodities* as are used in the manufacture and converions of paper and paper products, between Morris and St. Charles, IL, on the one hand, and, on the other, points in CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing site: Philadelphia, PA, or Columbus, OH.)

MC 141150 (Sub-8F), filed August 28, 1978. Applicant: ATLAS WAREHOUSING CO., a corporation, 510 West Kearsley Street, Flint, MI 48506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting canned *pickles, peppers, and relish,* from the facilities of Safie Bros. Farm Pickle Co., Inc., at or near Mt. Clemens, MI, to Buffalo and Rochester, NY, and points in OH, IL, IN, TN, GA, and KY. (Hearing site: Lansing or Flint, MI.)

MC 141402 (Sub-20F), filed September 25, 1978. Applicant: LINCOLN FREIGHT LINES, INC., Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *plastic articles,* from Dawson Springs, KY, to points in AL, CT, DE, FL, GA, IL, IN, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and WI, under contract with Midland Ross Corporation, material Handling division, of Louisville, KY. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141436 (Sub-2F), filed July 5, 1978, and previously noticed in the FEDERAL REGISTER issue of September 14, 1978. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *frozen foods* from LeMars, IA, to points in AR, NM, OK, TN, and TX; and (2) *frozen foods, and materials and equipment* used in the manufacture and distribution of frozen foods, (except commodities in bulk), from points in AR, NM, OK, TN, and TX, to Sioux City, Orange City, Marshalltown, and LeMars, IA, under contract

with Harker's Wholesale Meat, Inc., of LeMars, IA. (Hearing site: Omaha, NE.)

NOTE: This republication adds frozen foods to the commodity description in part (2).

MC 141652 (Sub-28F), filed September 21, 1978. Applicant: ZIP TRUCKING, INC., Post Office Box 5717, Jackson, MS 39208. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street NW., Atlanta, GA 30303. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *steel truck bumpers,* from the facilities of Hercules Bumpers, Inc., at or near Pelham, GA, to points in WA, OR, CA, ID, NV, MT, WY, UT, AZ, CO, and NM. (Hearing Site: Atlanta, GA.)

NOTE: Dual operations are at issue in this proceeding.

MC 141804 (Sub-132F), filed September 5, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *automobile parts, and motorcycle parts and accessories for automobiles and motorcycles, and related clothing and promotional material,* between points in San Bernardino County, CA, and points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-136F), filed September 15, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Rederick J. Coffman (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *metal alloys, metal castings, metal powder, welding rods, welding wire, electric welders, electric welder parts, and welding compound,* (except commodities in bulk), from City of Industry and Santa Fe Springs, CA, to points in AZ, CO, KS, NE, NM, OK, SD, TX, UT, and WY. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-137F), filed September 15, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *water heaters,* and parts and accessories for water heaters, from Johnson City, TN and Cleveland, OH, to Santa Monica, CA. (Hearing Site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-138F), filed September 15, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *sleeping bags,* from Los Angeles, CA, to those in the United States in and east of MN, IA, MO, AR, and LA. (Hearing Site: Los Angeles for San Francisco, CA.)

MC 141804 (Sub-139F), filed September 20, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles); from points in CA, to points in CO, ID, MT, NM, OR, TX, UT, OK, and WA, restricted to the transportation of traffic moving on freight forwarder bills of lading. (Hearing Site: Los Angeles or San Francisco, CA.)

MC 142310 (Sub-7F), filed October 17, 1978. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 E. Gilman Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *frozen foods,* from Massillon, OH, and Lake City, PA, to the facilities of Ore-Ida Foods, Inc., at or near Plover, WI; and (2) *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, (a) from Greenville, MI, to points in IL, IN, IA, MN, MO, NE, and WI, and (b) from Wetherfield, CT, to points in IL, IN, IA, MN, MO, NE, OH, and WI. (Hearing Site: Boise, ID, or Madison, WI.)

MC 142347 (Sub-4F), filed September 25, 1978. Applicant: C & C TRUCKING CO., INC., 2313 Old Savannah Road, Augusta, GA 30906. Representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *gravel,* in bags, from the facilities of Claussen Paving Company, at or near Augusta, GA, to points in AL, FL, NC, SC, and TN. (Hearing site: Atlanta, GA)

MC 142356 (Sub-6F), filed September 6, 1978. Applicant: J. S. BRYANT TRUCKING CO., INC., Route 3, Box 214C, Lynchburg, VA 24504. Representative: Calvin F. Major, 2000 West Grace Street, Richmond, VA 23220. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *pig iron,* from Norfolk, VA, to Lynchburg and Radford, VA, restricted to the transportation of traffic having an immediately prior or subsequent movement by water, under contract with Lynchburg Foundry Company, Inc., of Lynchburg, VA. (Hearing site: Richmond or Lynchburg, VA)

MC 142603 (Sub-5F), filed October 9, 1978. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *plastic granules* and *pellets,* in containers, (1) from Worcester and Oxford, MA, to points in AL, CA, FL, IL, IN, KY, MD, NC, NY, OH, PA, TN, TX, and VA, and (2) from Owensboro, KY, to points in MA, NJ, NY, and NC, under contract with Hammond Plastics Division, Carl Gordon Industries, of Worcester, MA. (Hearing site: Springfield or Boston, MA.)

MC 142831 (Sub-10F), filed September 11, 1978. Applicant: HAMRIC TRANSPORTATION, INC., P.O. Box 1124, Grand Prairie, TX 75050. Representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *Tractors* (except truck-tractors), and (2) *attachments, parts, and accessories* for tractors moving in mixed loads with tractors, from points in TX, OK, AR, LA, and NM, to points in TX, OK, AR, LA, NM, KS and CO, restricted to the transportation of traffic having a prior movement by rail. (Hearing site: Dallas, TX.)

MC 143267 (Sub-31F), filed August 21, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Peter A. Greene, 900 17th Street NW., Washington, DC 20006. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *silica sand and silica products,* and (2) *materials* used in the manufacture of the commodities in (1) above, between the facilities of Set Products, Inc., at Streetsboro, OH, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Washington, DC, or Cleveland, OH)

MC 143433 (Sub-4F), filed October 9, 1978. Applicant: B. L. GILBERT, d.b.a.

GILBERT TRUCKING CO., 310 South First Avenue, Stroud, OK 74079. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen bakery products*, from the facilities of New York Frozen Foods, Inc., at or near Bedford Heights, OH, to points in the United States (except ME, NH, VT, OH, RI, CT, MA, ND, WY, MT, WA, ID, OR, AK, and HI). (Hearing site: Cleveland, OH, or Oklahoma City, OK)

MC 143787 (Sub-8F), filed September 11, 1978. Applicant: ADMIRAL TRANSPORT CORP., 821 Pulliam Avenue, Worland, WY 82401. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *non-alcoholic beverages*, from the facilities of Seven-Up Bottling Co., at Salt Lake City, UT, to points in AZ, CO, ID, NV, and WY; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of non-alcoholic beverages, in the reverse direction, under contract with Seven-Up Bottling Co., of Salt Lake City, UT. (Salt Lake City, UT, or Cheyenne, WY)

MC 144041 (Sub-21F), filed September 20, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, GA 30345. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting expanded *plastic products* (except commodities in bulk), from the facilities of Dow Chemical U.S.A., at or near Carteret, NJ, and Allyn's Point, CT, to points in DE, MD, WV, KY, TN, NC, SC, GA, AL, MS, FL, and DC. (Hearing site: New York, NY)

NOTE.—Dual operations may be at issue in this proceeding.

MC 144041 (Sub-24F), filed September 18, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, N.E., Atlanta, GA 30345. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* and *plastic materials* (except commodities in bulk), between points in the United States (except HI and AK), restricted to the transportation of traffic originating at or destined to the facilities of Polysar Resins, Inc. (Hearing site: Washington, DC, or Atlanta, GA)

NOTE: Dual operations may be at issue in this proceeding.

MC 144122 (Sub-27F), filed September 21, 1978. Applicant: CARRETTA TRUCKING, INC., Route 17 North, Paramus, NJ 07662. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of West Coast Shippers Association, Inc., at Philadelphia, PA, to points in CA, OR, WA, TX, NM, AZ, NV, CO, and UT. (Hearing site: Washington, DC.)

NOTE: Dual operations are at issue in this proceeding.

MC 144140 (Sub-21F), filed August 11, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *carbonated beverages, flavoring syrup, and extracts of flavoring syrup*, from Atlanta, GA, to Asheville, Canton, and Hickory, NC, points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties, FL, those in Wayne, McCreary, Whitley, Bell, Harlan, Knox, Laurel, Pulaski, Rockcastle, Jackson, Clay, Letcher, Knott, Perry, Owsley, Leslie, Lee, Breathitt, Floyd, Pike, Martin, Johnson, Morgan, Wolfe, and Magoffin Counties, KY, and those points in MS, AL, SC and TN and (2) *empty bottles and other containers used in transporting carbonated beverages, flavoring syrup, and extracts of flavoring*, in the reverse direction; (3) *beverages, beverage preparations, beverage and juice concentrates, and fruits and fruit products*, (except commodities in bulk), from points in Manatee and St. Lucie Counties, FL, to points in AL, GA, LA, MD, MS, NC, TN, SC, VA, and DC; (4) *canned citrus juice*, when transported in mixed loads with cirtrus fruits, fruit sections, and fruit salads (except canned and frozen), in containers, from the facilities of Plymouth Citrus Products Cooperative, at Plymouth, FL, to points in AL, GA, LA, MS, NC, SC, and TN; (5) *citrus fruits, fruit sections, and fruit salads* (except canned and frozen), in containers, when transported in mixed loads with canned citrus juice, from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Sofo, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, FL, to points in AL, GA, LA, MS, NC, SC, and TN; (6) *welding equipment, materials, and supplies, electric motors, and parts and accessories for welding equipment, materials, and supplies, and electric motors*, from the facilities of Lincoln Electric Company, at Cleveland, OH, to points in AL, FL, GA, MN, MS, TN, and to those in the United States on and west of a line described as beginning at the mouth of the Mississippi River and extending to its junction with the western boundary of Itasca County, MN, then north along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada, (except AK and HI), restricted against the transportation of welders from Cleveland, OH, to Baton Rouge and New Orleans, LA; (7) *citrus products* (except in bulk), in vehicles equipped with mechanical refrigeration, from Winston-Salem, NC, to those points in the United States in and east of MN, IA, MO, AR, and LA; (8) *such commodities as are dealt in by wholesale floor covering and appliance distributors* (except commodities in bulk), from those points in the United States in and east of MN, IA, MO, KS, OK, and TX, to points in FL; and (9) *foodstuffs*, from Cade and Lozes, LA, to points in IL, IN, KY, MI, OH, and WI. CONDITION: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of the following permits: MC 104589 Sub 26, served March 5, 1975, Sub 28, served July 15, 1976, Sub 29, served December 10, 1975, Sub 31, served June 28, 1976, Sub 33, served October 16, 1978, and that portion of Sub 3, served April 15, 1971, corresponding to (1), (2), (4), and (5) above. (Hearing site: Orlando or Tampa, FL)

NOTE: (a) The purpose of this application is to convert contract carrier authority to common. (b) Dual operations may be at issue in this proceeding.

MC 144484 (Sub-2F), filed September 15, 1978. Applicant: FREIGHTWAYS, INC., 412 East Second Street, Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *rough lumber, glue, furniture parts, cedar closet linings, wood shavings, sawdust, and paper bags*, between the facilities of Osage Products Company, at or near Eldon, MO, on the one hand, and, on the other, points in AL, AR, IL, IN, IA, KS, KY, MN, NE, OH, OK, TX, and WI. (Hearing site: Kansas City or St. Louis, MO.)

NOTE.—The person or persons it appears may 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.

MC 144584 (Sub-2F), filed September 13, 1978. Applicant: WASHINGTON-CALIFORNIA EXPRESS, INC., a Pennsylvania corporation, 919 South McGarry Street, Los Angeles, CA 90021. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *laminated thermosetting plastics and vulcanized fiber,* between points in Lower Providence and Upper Providence Townships, PA, on the one hand, and, on the other, points in AL, DE, FL, GA, KY, MD, NC, NJ, OH, SC, TN, VA, and WV, (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, from points in AL, DE, FL, GA, KY, MD, NC, NJ, OH, TN, VA, and WV, to points in Lower Providence and Upper Providence Townships, PA, and (3) *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 points in Lower Providence and Upper Providence Townships, PA, on the one hand, and, on the other, Rome, GA, under a continuing contract in (1), (2), and (3) above, with Synthane-Taylor Corporation, of Valley Forge, PA. (Hearing site: Washington, DC)

MC 144484 (Sub-3F), filed September 15, 1978. Applicant: FREIGHTWAYS, INC., 412 East Second Street, Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *parts and accessories for automobiles,* (2) *rubber and rubber products,* (except commodities in bulk), and (3) *materials, equipment and supplies* used in the manufacture, distribution, and sale of the commodities in (1) and (2) above, between Versailles, MO, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, NE, NC, OH, OK, PA, SC, TN, TX, WV, and WI. (Hearing site: Kansas City or St. Louis, MO)

NOTE.—The person or persons it appears may 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.

MC 144501 (Sub-2F), filed September 18, 1978. Applicant: GREGORY H. LaVELLE, d.b.a. GREG LaVELLE CO., 9024 48th Avenue, East Tacoma, WA 98446. Representative: Gregory H. LaVelle, (same address an applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *green veneer,* from Ronald, WA, to those points in OR on and west of U.S. Hwy 97. (Hearing site: Seattle, WA, or Portland, OR)

MC 144776 (Sub-3F), filed September 11, 1978. Applicant: APACHE TRANSPORT, INC., 833 Warner Street, SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *polystyrene shapes and polystyrene forms,* from the facilities of Dolco Packaging Corp., (a) at Dallas, TX, to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, and TN, (b) at Lawrenceville, GA, to points in NC, SC, VA, and those in TN east of line beginning at the TN-GA State line and extending along U.S. Hwy 411 to junction U.S. Hwy 441, then along U.S. Hwy 441 to Lake City, then along Interstate Hwy 75 to the TN-KY State line, and (c) in Fulton and Gwinnett Counties, GA, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Atlanta, GA)

MC 144827 (Sub-6F), filed September 22, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in by department stores, (except commodities in bulk), from points in the United States (except AK and HI), to points in AR, MS, and TN. Restricted to the transportation of traffic destined to the facilities of Baddon, Inc. and Service Merchandise Company, Inc. (Hearing site: Memphis, TN)

MC 145679F, filed October 30, 1978. Applicant: A & A TRANSPORT SERVICES, INC., a Delaware corporation, Maple Tree Industrial Park, Boston Road, P.O. Box 12, Palmer, MA 01069. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *Lighting fixtures and such commodities as are used in the manufacture of lighting fixtures,* between Wilmington, MA, Olive Branch, MS, Los Angeles, CA, and Union, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Keene Corp., of Wilmington, MA. (Hearing Site: Boston, MA, or Washington, DC)

MC 144827 (Sub-7F), filed September 25, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farris view, P.O. Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in by food business houses, (except commodities in bulk), from the facilities of Arrow Industries, Inc., at or near Dallas, TX, and LaVergne, TN, to points in the United States (except AK and HI). (Hearing site: Dallas, TX)

MC 144860 (Sub-1F), filed October 3, 1978. Applicant: GLOBAL VAN LINES, INC., a Texas corporation, No. 1 Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *helicopters and parts for helicopters,* from the facilities of Sikorsky Aircraft, Division of United Technologies Corporation, at Bridgeport, CT, to West Palm Beach, FL, under a contract with Sikorsky Aircraft, Division of United Technologies Corporation, of Hartford, CT. (Hearing site: Bridgeport, CT.)

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), on the Interstate Commerce Act or submit an affidavit indicating why such approval is unnecessary. Dual operation may be at issue in this proceeding.

MC 14534F, filed September 14, 1978. Applicant: FIVE G's TRUCKING CO., INC., P.O. Box 87, Eldora, IA 50627. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *Plastic articles,* and *materials and supplies* used in the manufacture of plastic articles, between Eldora, IA, on the one hand, and, on the other, points in CA, IL, KS, MN, MO, NE, OK, TX, UT, and WI, under contract with Quality Products, Inc., of Eldora, IA, and (2) *New furniture and materials and supplies* used in the manufacture of furniture, between Eldora, IA, on the one hand, and, on the other, points in AR, AZ, CO, IL, IN, KS, MI, MN, MO, MT, NE, ND, OH, OK, PA, SD, TX, WI, and WY, under contract with Dunlap Industries, Inc., of Eldora, IA. (Hearing site: Des Moines, IA, or St. Paul, MN).

MC 144041 (Sub-20F), filed September 17, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, N.E., Atlanta, GA. Representative: Mr. K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier,* by

motor vehicle, over irregular routes, transporting *Expanded plastic products* (except in bulk), from Hamilton, OH, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Cincinnati, OH).

NOTE.—Dual operations may be at issue in this proceeding.

MC 145454F, filed September 20, 1978. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION CO., INC., 2154 Green Valley Drive, Crown Point, IN 46307. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foods*, from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in AL, AR, FL, GA, IL, IN, IA, KS, LA, MI, MN, MO, NE, NC, SC, ND, SD, OH, KY, OK, TN, TX, VA, WV, and WI, restricted to the transportation of traffic originating at the named origin. (Hearing site: Chicago, IL.)

MC 145555F, filed October 10, 1978. Applicant: WALKERS, INC., Route 1, Box 86, Greenville, FL 32331. Representative: Felix A. Johnston, Jr., 1030 East Lafayette Street, Suite 112, Tallahassee, FL 32301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *lumber, chips, sawdust, and wood byproducts*, between points in FL, and GA. (Hearing site: Thomasville or Valdosta, GA.)

MC 145605F, filed October 25, 1978. Applicant: CHARLEY T. LONG, d.b.a. C & F EQUIPMENT, 12660 Central Road, Apple Valley, CA 92307. Representative: Richard Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *parts and attachments* for industrial, logging, mining, agricultural, and construction equipment, from points in CA, to points in AZ, CO, UT, and WY, under contract with Industrial Parts Depot, Inc., of Torrance, CA. (Hearing site: Los Angeles, CA.)

MC 145629 (Sub-2F), filed October 26, 1978. Applicant: FUCHS, INC., R.R. 1, Box 576, Sauk City, WI 53583. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between Madison, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, and MO. (Hearing site: Madison, WI.)

NOTE.—Dual operations are at issue in this proceeding.

MC 145630F, filed October 20, 1978. Applicant: JAMES J. TORNABENE, d.b.a. JAMES J. TORNABENE TRUCKING, 103 Rasbach Street, Canastota, NY 13032. Representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13202. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *malt beverages*, from Merrimack, NH, to Rome, NY, under contract with L & M Wholesale, Inc., of Rome, NY. (Hearing site: Syracuse or Albany, NY.)

PASSENGER AUTHORITY

MC 2890 (Sub-55F), filed September 22, 1978. Applicant: AMERICAN BUSLINES, INC., a Delaware Corporation, 1500 Jackson Street, Dallas, TX 75201. Representative: Fritz R. Kahn, 1660 L Street NW., Suite 100, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, transporting *passengers and their baggage, express, and newspapers*, in the same vehicle with passengers, (1) between Philadelphia, PA, and Carlisle, PA, (Interchange No. 16) over Interstate Hwy 76 serving Valley Forge Interchange No. 24 as an intermediate point, (2) between Irwin, PA, (Interchange No. 7) and Pittsburgh, PA, from Irwin Interchange (Interchange No. 7) over Interstate Hwy 76 to junction Interstate Hwy 376 (Interchange No. 6), then over Interstate Hwy 376 to Pittsburgh, and return over the same route, serving Interchange No. 6 as an intermediate point, (3) between Exton, PA, and junction access route and Interstate Hwy 76, at Downingtown, PA, (Interchange No. 23) over PA Hwy 100, serving no intermediate points, (4) between Harrisburg, PA, and Harrisburg East Interchange (Interchange No. 19) from Harrisburg over Interstate Hwy 83 to junction Interstate Hwy 283, then over Interstate Hwy 283 to junction Interstate Hwy 76, at Harrisburg East Interchange (Interchange No. 19), and return over the same route, serving no intermediate points, (5) between Harrisburg, PA, and Harrisburg West Shore Interchange (Interchange No. 18), over Interstate Hwy 83, serving no intermediate points, and (6) between junction Harrisburg Expressway and Susquehanna Expressway and Gettysburg Pike Interchange, from junction Harrisburg Expressway and Susquehanna Expressway over Harrisburg Expressway to junction U.S. Hwy 15, then over U.S. Hwy 15 to junction Interstate Hwy 76, at Gettysburg Pike Interchange (Interchange No. 17), and return over the same route, serving no intermediate points. (Hearing site: Washington, DC.)

BROKER AUTHORITY

MC 130521F, filed August 22, 1978. Applicant: CAPE TOURS, INC., 610 Main Street, Box 1104, Dennis Port, MA 02639. Representative: Myer R. Singer, Box 67, Dennis Port, MA 02639. To engage in operatons, in interstate or foreign commerce, as a *broker*, at Dennis Port, MA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Barnstable County, MA, and extending to points in the United States (except AK and HI). (Hearing site: Providence, RI, or Boston, MA.)

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).

WATER CARRIER

W-1218 (Sub-7F), filed October 24, 1978. Applicant: GATEWAY CLIPPER, INC., One Wood Street, Pittsburgh, PA 15222. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier*, by water, self-propelled vehicles, over irregular routes, transporting (1) *passengers*, in special operations, between Pittsburgh, Brownsville, Mononahela, Charleroi, and Point Marion, PA, and Morgantown and Farimont, WV, on the Monongahela River; and (2) *passengers*, in charter and special operations, between Pittsburgh, Sewickley, Edgeworth, Leetsdale, Ambridge, Aliquippa, Monaca, Rochester, Beaver, and Midland, PA, East Liverpool, Steubenville, Bellaire, Marietta, and Gallipolis, OH, and Wheeling, New Martinsville, Parkersburg, Huntington, and Charleston, WV, on the Ohio River and its tributaries. (Hearing site: Pittsburgh, PA, or Washington, DC.)

[FR Doc. 78-34029 Filed 12-6-78; 8:45 am]

[7035-01-M]

[Volume No. 127]

APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

DECEMBER 1, 1978.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION NOTICE

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 proceding must be filed with the Commission on or before January 8, 1979. Such pleading shall comply with Spe-

cial 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 105636 (Sub-39F) (corrected republication), filed March 27, 1978, published in the FEDERAL REGISTER issue of May 11, 1978 and November 9, 1978, and republished this issue. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, NJ 08360. Representative: Wilmer B. Hill, 805 McLachlen Bank Building 666 Eleventh Street NW., Washington, DC 20001. A Decision of the Commission, Review Board Number 3, decided September 29, 1978, and served October 12, 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 *Petroleum products*, in containers, from the facilities of Shell Oil Company, at or near Sewaren, NJ; the facilities of Sun Oil Company, at or near Marcus Hook, Pa; and the facilities of Royal Lubricants Company, Inc., at or near Hanover, NJ to Riviera Beach, FL; restricted to the transportation of traffic having an immediately subsequent movement by water, 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 the authority granted as having three origin points and one destination point.

MC 118838 (Sub-18F) (Republication), filed February 9, 1978, published in the FEDERAL REGISTER issue of March 16, 1978, and republished this issue. Applicant: GABOR TRUCKING INC., Rural Route 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. A Decision of the Commission, Review Board Number 2, decided September 26, 1978, and served November 2, 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 *Lumber, lumber mill products, and wood products*, from the facilities of Potlatch Corporation, at or near Couer d'Alene, Jaype, Kamiah, Lewiston, Post Falls, Potlatch, Santa, St. Maries, and Spalding, ID, to points in IL, IN, IA, MI, MN, MO, OH, PA, WV, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destination States, 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

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use 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 requests shall meet the requirements of Section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that 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 105120 (Sub-17F), filed October 5, 1978. Applicant: FREIGHTWAYS EXPRESS, INC., 2700 Sterick Building, Memphis, TN 38103. Representative: James N. Clay, III (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, 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 St. Louis, MO, and Memphis, TN, over Interstate Hwy 55. (Hearing site: Memphis, TN, and St. Louis, MO)

NOTE.—Applicant has concurrently filed a petition to consolidate the above proceeding with MCC 10162, Dodds Truck Line, Inc. and Dodds Truck Line, Inc., Operator and Lessee of Bennett Truck Line, Inc. V. Freightways Express, Inc.

MC 105566 (Sub-178F), filed August 1, 1978, and previously published in the FEDERAL REGISTER issue of October 19, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Agricultural chemicals and pesticides* (except commodities in bulk); and (2) *applicators* for agricultural chemicals, from points in Alameda, Contra Costa, and Solano Counties, CA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC)

MC 114457 (Sub-445F), filed: October 24, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: (*a*) *Alcoholic beverages,* (*b*) *Such commodities as are dealt in by distributors of alcoholic beverages; and* (*c*) *materials, supplies, and equipment used in the sale of alcoholic beverages* (except commodities in bulk), from points, in AZ, AR, CA, CO, CT, DE, DC, FL, ID, IL, IN, IA, KA, KY, LA, ME, MD, MA, MI, MO, MT, NE, NV, NH, NJ, NM, NY, OH, OK, OR, PA, RI, TN, TX, UT, VT, VA, WA, WV, and WY, to points in MN, ND, SD, and those points in WI on and north of U.S. Hwy 151. (Hearing, January 15, 1979, 5 days, at 9:30 a.m., local time, in Court Room No. 984, Federal Building, 316 North Robert Street, St. Paul, MN.)

MC 115331 (Sub-471F), filed November 6, 1978. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *chemicals,* in bulk, in tank vehicles, from points in the United States, to Sedalia, MO. (Hearing: December 18, 1978, at 9:30 a.m. local time, at the offices of the Interstate Commerce Commission, Washington, D.C.). Common control may be involved.

MC 118989 (Sub-204F), filed October 2, 1978, and previously published in the FEDERAL REGISTER issue of November 2, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. 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 (except commodities in bulk), between points in the United States (except AK and HI). (Pre-Hearing conference: Dec. 18, 1978, at 9:30 a.m. local time, at the Offices of the ICC, Washington, DC).

NOTE.—This republication is to indicate the exact hearing information.

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 Conservation Act of 1975.

MC-F-13174 (Republication). Authority granted (Decision of Administrative Law Judge Samuel Horwich served October 23, 1978), for purchase by Truck Transport Incorporated, 29 Clayton Hills Lane, St. Louis, MO 63131 and Material Delivery Service, Inc. Alabaster, Alabama, of a portion of the operating rights and prperties of Ecoff Trucking, Inc., P.O. Box 127 Fortville, IN 46040, and for acquisition by Robert B. Schilli, 29 Clayton Hills Lane, St. Louis, MO 63131 of control of such rights and property through the purchase. Applicant's attorneys: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036 and Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. The operating rights contained in MC-119934 and approved to be transferred to Truck Transport Incorporated are as follows: *sulphate soap* skimmings, in bulk, in tank vehicles, from Krannert and Macon, GA, Monroe, LA, Port St. Joe, and Palatka, FL and Calhoun, TN, to Tuscaloosa, AL and points within 5 miles thereof; *tall oil,* in bulk, in tank vehicles, from Valdosta, GA to Fox, AL; *anhydrous ammonia,* in bulk, in tank vehicles, and *dry urea,* in bulk, from the plantsite of American Cyanamid Company at Avondale, LA, to points in NC, SC, GA, FL, AL, MS, LA, TX, TN, KY, AR, MO, OK, and KS; *sugar,* dry, in bulk, from points in AL, LA, MS and TN, with restrictions; *dry sugar,* in bulk, from points in St. Bernard Parish, LA to points in AR and TX, with restrictions; *dry sugar,* in bulk, from points in LA (except points in St. Bernard Parish), to points in AR, TX, AL, MS and TN (except Memphis and points in its commercial zone as defined by the Commission), with restrictions. *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar,* in bulk, in tank vehicles, from points in St. Bernard, Orleans, Jefferson and St. John the Baptist Parishes, LA to points in AL, AR, FL, MS, TN and TX, with restrictions; *liquid sugar,* in bulk, in tank vehicles, from Reserve, LA to Oak Grove and Monroe LA; *molasses,* in bulk, in tank vehicles, from New Orleans LA to points in Georgia, with restrictions, *molasses,* in bulk, in tank vehicles, from the plant sites of Colonial Molasses Company, located at New Orleans and Gretna, LA to Baerfield (Allen County), IN and Springfield, MO with restrictions; *molasses,* in bulk, in tank vehicles, from New Orleans, LA to points in OH, with restrictions, *molasses,* in bulk, in tank vehicles, from the facilities of Colonial Molasses Co. of LA and Xtravim, both Divisions of Su-Crest Corporation at New Orleans and Gretna, LA to points in AL, AR, CO, ID, IL, MD, MI, MS, and WI, with restrictions. The operating authorities in MC-119934 approved for transfer to Material Delivery Service, Inc. are as follows: *Sulfuric Acid,* in bulk, in tank vehicles, as a common carrier over irregular routes from Coosa Pines, AL to points in GA; *nitrogen solutions, and anhydrous ammonia,* in bulk, in tank vehicles, from Ketona, AL, to points in GA, points in that part of FL on and north of Florida Highway 60, points in that part of TN on and east of a line bginning at the KY, TN State Line and extending along U.S. Highay 51; *lime and limestone,* in bulk, from points in Shelby County, AL to points in MS, TN, FL, GA, LA, AR, NC, and SC, with restrictions; (1) *lime and cement,* from the facilities of Cheney Lime & Cement Company at or near Graystone (Blount County) AL, to points in FL, GA, LA, MS, NC, SC and TN (2) *cement,* from the facilities of the shipper in (1) above located at or near Landmark (Shelby County), AL to points in the States named in (1) above; (3) *lime,* in bulk, from the facilities described in (2) above to points in Fulton County, A with restrictions. Vendee Truck Transport Incorporated is authorized to operate as a motor common carrier in all states in the United States (except AL, HI and the District of Columbia). Vendee Material Delivery Service, Inc. holds no authority from the Interstate Commerce Commission at the present time. As originally filed, the application called for the purchase of all of the identified operating authority by Truck Transport Incorporated. A petition for partial substitution of Material Delivery Service as applicant-vendee was filed July 19, 1978. That petition was granted in the identified Decision of Administrative Law Judge Samuel Horwich, and the purpose of this republication is to identify specifically the operating authority to be acquired by Material Delivery Service as a result of the Decision of the Administrative Law Judge. Within 30 days of the date of republication herein, any interested party may file a petition identifying specifically its interest, and stating in what way such interest-

ed party would be prejudiced by the substitution of Material Delivery Service as applicant-vendee for the identified operating authorities.

MC-F-13797. Authority sought for purchase by JACKSON and JOHNSON, INC., W. Church St., Box 327, Savannah, NY 13146, of a portion of the operating rights of S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, NY 14623, and for acquisition by JOHN W. JACKSON, of Savannah, NY, of control of such rights through the transaction. Applicants' attorneys: S. Michael Richards/Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. Operating rights sought to be purchased: *Cleaning compounds* and *windshield washer anti-freeze solvents* (except commodities in bulk), as a *contract carrier*, over irregular routes, from Rochester, NY to points in CT, ME, MA, NH, RI, VT, and NY, under continuing contract, or contracts, with Kleen Brite Chemical Co., Inc., at Rochester, NY, as descried in Permit MC-140118 (Sub-No. 4). Vendee is authorized to operate as a *contract carrier* in MA, NY, PA, DE, MD, NJ, CT, DE, ME, NH, NC, OH, RI, VT, VA, and DC. Vendee is also authorized to operate as a *common carrier* in NY, CT, ME, MA, NH, NJ, RI, VT, add PA. Application has been filed for temporary authority under Section 210a(b).

MC-F-13808F. (Correction) (B. J. McADAMS, INC.—CONTROL—HUGHES REFRIGERATED EXPRESS, INC.), published in the November 24, 1978, issue of the FEDERAL REGISTER, on page 55049. Previous notice inadvertently published the notice as Docket No. MC-F-13805F. The correct number is No. MC-F-13808F.

MC-F-13817F. Applicant: SILVER EAGLE, CO., 2532 Southeast Hawthorne Boulevard, Portland, OR 97214. Representative: Robt. R. Hollis, 400 Pacific Building, Portland, OR 97204. Authority sought for purchase by SILVER EAGLE COMPANY, 2532 Southeast Hawthorne Blvd., Portland, OR 97214, of the common carrier operating rights and properties of MID-OREGON EXPRESS, INC., through its receiver in bankruptcy John B. Franzwa, 6438 SW Hamilton Way, Portland, OR 97221, and for acquisition by Silver Eagle Company of control of the rights through the purchase. Applicant's attorney: ROBT. R. HOLLIS, 400 Pacific Bldg., Portland, OR 97204. Operating rights sought to be transfered: under Certificate No. MC-138600, authorizing the transportation by common carrier of general commodities, except those of unusual value, uncrated house hold goods, commodities in bulk, and those requiring special equipment over regular routes, between Portland, OR, and Bend, OR, serving the intermediate points of Warm Springs, Madras, Terrebonne, Prineville Junction and Redmond, OR, and the off-route points of Culver, Metolius and Prineville, OR, and General Commodities, except those of unusual value, uncrated household goods, commodities in bulk, commodities requiring special equipment and commodities requiring refrigeration, over irregular routes, between points in Deschutes, Crook and Jefferson County, OR. To the extent that this authority authorizes the transportation of Classes A & B explosives, it is limited, in point of time, to a period expiring August 28, 1980. Vendee is authorized to operate as a common carrier in the states of Oregon and Washington. Application has also been filed for temporary authority under Section 210a(b) of the Act.

MC-F-13826F. Applicant (transferee): H & W MOTOR EXPRESS CO., 3000 Elm Street, Dubuque, IA 52001. Applicant (transferor): THE ROCK ISLAND MOTOR TRANSIT CO., 2744 Southeast Market Street, Des Moines, IA 50317. Representative (transferee): WILLIAM S. ROSEN, 630 Osborn Building, St. Paul, MN 55102. Representatives (transferor): RAYMOND GOLDFARB, 72 West Adams Street, Chicago, IL 60603 and DONALD F. NEIMAN, 1119 High Street, Des Moines, IA 50309. Authority sought for purchase by H & W MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, IA 52001, of a portion of the operating rights of THE ROCK ISLAND MOTOR TRANSIT COMPANY, 2744 Southeast Market Street, Des Moines, IA 50317, and for acquisition by URBAN R. HAAS and MARY E. WISSEL, 3000 Elm Street, Dubuque, IA 52001, of control of such rights through the transaction. Transferee's attorney: WILLIAM S. ROSEN, 630 Osborn Building, St. Paul, MN 55102; Transferor's attorneys: RAYMOND GOLDFARB, 72 West Adams Street, Chicago, IL 60603 and DONALD F. NEIMAN, 1119 High Street, Des Moines, IA 50309. Operating rights sought to be transferred: *Classes A & B explosives*, except nitroglycerine, and *general commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: Between Rock Island, IL and Peoria, IL, serving all intermediate and off-route points which are stations on the rail line of The Chicago, Rock Island and Pacific Railway Company between Rock Island and Peoria, IL, including Milan, IL: Route No. 67: From Rock Island over U.S. Hwy 150 via Orion, IL, to junction IL Hwy 81, then over IL Hwy 81 to junction IL Hwy 82, then over IL Hwy 82 to junction IL Hwy 17, then over IL Hwy 17 to junction US Hwy 34, then over US Hwy 34 to Galva, IL, then over IL Hwy 17 to Wyoming, IL, then over IL Hwy 91 to junction IL Hwy 174, then over IL Hwy 174 to junction IL Hwy 88, and then over IL Hwy 88 to Peoria, and return over the same route. Route No. 68: From Rock Island over U.S. Hwy 67 to Milan, IL, then over IL Hwy 92 to junction US Hwy 150, and then via Orion, IL to Peoria, as specified above, and return over the same route. Route No. 69: From Rock Island to Orion, IL, as specified above, then over unnumbered Hwys, via Osco, IL, to junction IL Hwy 81, at or near Andover, IL, and then to Peoria as specified above, and return over the same route. Route No. 70: From Rock Island over US Hwy 150 to junction IL Hwy 81, thence over IL Hwy 81 to junction unnumbered Hwy approximately three miles east of Cambridge, IL, then over unnumbered Hwy via Ulah and Bishop Hill, IL, to junction US Hwy 34 approximately four miles east of Nekoma, IL, and thence to Peoria as specified above, and return over the same route. (This authority is contained in Certificate No. MC-29130.) Applicants request that the Commission cancel the following restriction contained in the authority sought to be transferred herein: RESTRICTION: The service authorized under Route Nos. 67 through 70, inclusive, is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of rail service of the C.R.I.& P. RR, hereinafter called the Railway. Said carrier shall not serve any point not a station on the rail line of the Railway. No shipments shall be transported by said carrier between any of the following points, or through or to or from more than one of said points: LaSalle, Peoria, and Rock Island, IL. All contractual arrangements between said carrier and the Railway shall be reported to the Commission and shall be subject to revision, if and as we find it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specified conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of rail service. Transferee is authorized to operate as a regular route common carrier in the states of IA, IL, IN, MN and WI. Application has been filed for temporary authority under Section 210a(b). (Hearing site: Des Moines, Iowa.)

MC-F-13827F. Authority sought for purchase by KUJAK TRANSPORT, INC., Junction Avenue, Winona, MN., 55987 of a portion of the operating

rights of KATUIN BROS., INC., Hiway 61 South, P.O. Box 311, Dubuque, IA and for acquisition by HUBERT KUJAK and MARTIN KUJAK of control of such rights through the acquisition. Applicants representatives: John P. Rhodes, P.O. Box 5000, Waterloo, IA., 50704 and Carl E. Munson, 469 Fischer Bldg., Dubuque, IA., 52001. Operating rights sought to be purchased are those contained in MC-126539 Sub No's 26, 29, 31, and 33 thereunder which authorize transportation of: liquid fertilizer, in bulk, (1) from Fulton, IL to points in IA, MO (except St. Louis and Commercial Zone), MN and WI; and (2) from Durant, IA to points in AR, IL (except St. Louis and Commercial Zone), IN, KS, KY, MN, MO, NE, SD, TN and WI; fertilizer and fertilizer materials, in bulk, from Albany, IL to points in IA, MN, and WI; restricted in (1) above to shipments originating at the named origin and destined to the named destinations; metal containers, composite containers, and container ends from Massillon, OH to points in IL, IN, IA, MI, MN, MO, NE and WI and from Fort Madison, IA to Massillon, OH, restricted to the transportation of traffic originating at the named origin points and destined to the named destinations. KUJAK TRANSPORT, INC., holds no authority from this Commission. However, the stock of KUJAK TRANSPORT, INC. is owned by the same persons owning stock of KUJAK BROS. TRANSFER, INC. KUJAK TRANSPORT INC. is operator of KUJAK BROS. TRANSFER, INC., pursuant to Docket MC-F-13730F authorizing transportation of specific commodities between named points and places in MN, WI, IA, IL, IN, OH and KY. No dual operations or duplicate authority involved. Application has been filed for temporary authority under section 210a(b). (Hearing site: Chicago, IL).

MC-F-13830F. Authority sought for control and merger by PAUL ARPIN VAN LINES, INC., 150 Manton Avenue, Providence, RI 02909, of the operating rights of T.E.K. VAN LINES, INC., 9123 East Garvey Boulevard, Rosemead, CA 91770, and for acquisition by PAUL G. APRIN and LOUISE M. ARPIN, both of 150 Manton Avenue, Providence, RI 02909, of control of such rights through the transaction. Applicants' attorneys: Herbert Burstein, Suite 2373, One World Trade Center, New York NY 10048 and Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036. Operating rights sought to be controlled and merged: Under Certificate No. MC-119049, authorizing *household goods* as a *common carrier* over irregular routes between points in AZ and CA on the one hand, and, on the other, points in LA, MO, and TX. PAUL ARPIN VAN LINES, INC., holds authority in MC-621 as follows: Household goods, as defined by the Commission, as a *common carrier* between points in that part of the US east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to junction of the MN-WI State line, and thence along the MN-WI State line to Lake Superior; Between points in NY and NJ on the one hand, and, on the other, points in AR, IA, KS, LA, MN, MO, NE, ND, OK, SD, and TX; Between points in Cowley Country, KS, on the one hand, and, on the other, points in AR, CO, MO, and NE; Between Winfield KS, and points in KS within 50 miles of Winfield, on the one hand, and, on the other, points in AR, IL, MO, and NE. Emigrant movables, between Winfield, KS, and points in KS within 50 miles of Winfield, on the one hand, and, on the other, points in AR, IL, MO, and NE. Sub-4: Household goods as defined by the Commission, between points in AR, CO, IL, IA, KS, KY, LA, MN, MS, MO, NE, OK, TN, TX, and WI. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS—NOTICE

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 2202 (Deviation No. 167), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309, filed November 8, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, GA over US Hwy 80 to junction AL Hwy 169, then over AL Hwy 169 to junction US Hwy 280, then over US Hwy 280 to junction US Hwy 78, then over US Hwy 78 to Fulton, MS, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, GA over US Hwy 280 to Birmingham, AL, then over US Hwy 11 to junction US Hwy 82, then over US Hwy 82 to Reform, AL, then over AL Hwy 17 to Sulligent, AL, then over US Hwy 278 to Amory, MS, then over MS Hwy 25 to Fulton, MS, and return over the same route.

MC 11220 (Deviation No. 36), GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., P.O. Box 59, Memphis, TN 38101, filed November 14, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Durant, OK over US Hwy 69 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction OK Hwy 10, then over OK Hwy 10 to junction OK Hwy 137, then over OK Hwy 137 to junction US Hwy 66, then over US Hwy 66 to junction KS Hwy 26, then over KS Hwy 26 to junction US Hwy 69, then over US Hwy 69 to Kansas City, MO and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Durant, OK over US Hwy 70 to junction US Hwy 271 near Hugo, OK, then over US Hwy 271 to junction AR Hwy 45, then over AR Hwy 45 to Fort Smith, AR, then over US Hwy 71 to Kansas City, MO and return over the same route.

NOTE.—The above-described authority is restricted against service between Texarkana, TX-AR, on the one hand, and, on the other, Sherman and Dallas, TX.

MC 29555 (Deviation No. 25), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104, filed October 10, 1978, as amended. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cedar Rapids, IA, over Interstate Hwy 380 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction IA Hwy 38, then over IA Hwy 38 to junction US Hwy 61, then over US Hwy 61 to Burlington, IA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cedar Rapids, IA over US Hwy 30 to junction Alternate US Hwy 30, then over Alternate US Hwy 30 to Chicago, IL, then over US Hwy 34 to Burlington, IA and return over the same route.

MC 69901 (Deviation No. 7), COURIER-NEWSOM EXPRESS, INC., 2830 National Road, Columbus, IN 47201,

filed November 14, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, TN over Interstate Hwy 65 to Gary, IN, then over Interstate Hwy 90 to Chicago, IL, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, TN, over U.S. Hwy 70N to junction U.S. Hwy 70S, then over U.S. Hwy 70S to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 25W, then over U.S. Hwy 25W to junction TN Hwy 61, then over TN Hwy 61 to junction TN Hwy 62, then over TN Hwy 62 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 150, then over U.S. Hwy 150 to junction KY Hwy 35, then over KY Hwy 35 to junction KY Hwy 151, then over KY Hwy 151 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 31E, then over U.S. Hwy 31E to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction IN Hwy 9, then over IN Hwy 9 to junction IN Hwy 7, then over IN Hwy 7 to junction Alternate U.S. Hwy 31, then over alternate U.S. Hwy 31 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction U.S. Hwy 421, then over U.S. Hwy. 421 to junction IN Hwy 29, then over IN Hwy 29 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction IN Hwy 2, then over IN Hwy 2 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IL Hwy 1-A, then over IL Hwy 1-A to Chicago, IL, and return over the same route.

MC 75320 (Deviation No. 68), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801, filed May 31, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Houston, TX over Interstate Hwy 10 to junction US Hwy 171 near Lake Charles, LA, then over US Hwy 171 to junction Interstate Hwy 20 near Shreveport, LA, then over Interstate Hwy 20 near Shreveport, LA, then over Interstate Hwy 20 to Jackson, MS, 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 Houston, TX over US Hwy 290 to Hempstead, TX, then over TX Hwy 6 to Waco, TX then over US Hwy 81 to Hillsboro, TX, then over US Hwy 77 to Dallas, TX, and (2) From Dallas, TX over US Hwy 80 to Jackson, MS and return over the same routes.

NOTE.—This deviation is premised on a grant of temporary authority under section 210(a)(b). If applicant's right to operate all or part of the leased authority expires, this deviation, if authorized, will likewise expire.

MOTOR CARRIER INTRASTATE APPLICATION(S)—NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of state Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 78-525-MF/E, filed October 20, 1978. Applicant: KEYSTONE SERVICES, INC., 5511 Minnesota Drive, Anchorage, AK 99502. Representative: Timothy G. Middleton, 645 G Street, Suite 404, Anchorage, AK 99501. Certificate of Public Convenience and Necessity sought to operate a freight service, as a common carrier, as follows: Transportation of: *General commodities* (except household goods as defined by the Interstate Commerce Commission, and commodities in bulk, but including copying, duplicating and reproducing machines, parts, accessories, supplies, office equipment and furnishings), between points and places in Alaska. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to Alaska Transportation Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-34187 Filed 12-6-78; 8:45 am]

[7035-01-M]

[Notice No. 751]

ASSIGNMENT OF HEARINGS

DECEMBER 4, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 504 (Sub No. 102), Harper Motor Lines, Inc., now assigned December 4, 1978, is canceled; application dismissed.

MC 136981 (Sub No. 8F), Blair Cartage, Inc., now assigned for hearing on December 12, 1978, at Columbus, Ohio and will be held in Room 235, Federal Building.

MC 115654 (Sub No. 88F), Tennessee Cartage Co., Inc., now assigned for hearing on December 13, 1978, at Columbus, Ohio and will be held in Room 235, Federal Building.

MC 138469 (Sub-No. 67F), Donco Carriers, Inc., now being assigned for hearing on February 6, 1979, (4 days), at Dallas, Texas in a hearing room to be later designated.

MC 96324 (Sub-No. 25F), General Delivery, Inc., now being assigned for hearing on February 21, 1979, (3 days), at Pittsburgh, PA. in a hearing room to be later designated.

MC 134922 (Sub-No. 255F), B. J. McAdams, Inc., now being assigned for hearing on February 26, 1979, (1 day), at Columbus, Ohio in a hearing room to be later designated.

MC 144231 (Sub-No. 2F), Leann, Inc., now being assigned for hearing on February 27, 1979, (1 day), at Columbus, Ohio in a hearing room to be later designated.

MC 124211 (Sub-No. 325F), Hilt Truck Lines, Inc., now being assigned for hearing on February 28, 1979, (1 day), at Columbus, Ohio in a hearing room to be later designated.

MC 52861 (Sub-No. 42F), Wills Trucking, Inc., now being assigned for hearing on March 1, 1979, (2 days), at Columbus, Ohio in a hearing room to be later designated.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-34183 Filed 12-6-78; 8:45 am]

[7035-01-M]

[No. 37056]

COLORADO INTRASTATE FREIGHT RATES AND CHARGES—1978

Decision

By joint petition filed October 18, 1978, petitioners, 10 common carriers

by railroad[1] operating in intrastate commerce in Colorado, request that this Commission institute an investigation of their Colorado intrastate freight rates and charges, under 49 U.S.C. 11501 and 11502; section 13 of the former Interstate Commerce Act. They seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 349. Petitioners have stated grounds sufficient to warrant instituting an investigation.

It is ordered:

The petition is granted. An investigation, under 49 U.S.C. 11501 and 11502, is instituted to determine whether the Colorado intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 349. In the investigation we shall also determine if any rates or charges, or maximum or minimum charges, or both, should be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

All common carriers by railroad operating in Colorado subject to the jurisdiction of the Commission are made respondents in this proceeding.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, DC 20423, on or before 15 days from the FEDERAL REGISTER publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this order shall be served upon each of the petitioners and respondents. Colorado shall be notified of the proceeding by sending copies of this order by certified mail to the Governor of Colorado. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, DC, and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment. Furthermore, this decision is not a major regulatory action under the Energy Policy and Conservation Act of 1975.

Dated at Washington, DC, this 28th day of November, 1978.

By the Commission, Alan Fitzwater, Director, Office of Proceedings.

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

[FR Doc. 78-34182 Filed 12-6-78; 8:45 am]

[1]The Atchison, Topeka and Santa Fe Railway Company; Burlington Northern, Inc.; Chicago, Rock Island and Pacific Railroad Company; the Colorado and Southern Railway Company; The Colorado and Wyoming Railway Company; the Denver and Rio Grande Western Railroad Company; Missouri Pacific Railroad Company; San Luis Central Railroad Company; Southern San Luis Valley Railroad Company; and Union Pacific Railroad Company.

[7035-01-M]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 4, 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. within 15 days from the date of publication of this notice.

FSA NO. 43636, Southwestern Freight Bureau, Agent's No. B-780, rates on single empty freight trailers, new or used, between stations in Southwestern and Southern Territories, in Sup. 229 to its Tariff SW/S-84-H, ICC 5012, to become effective December 30, 1978. Grounds for relief—motor carrier competition; modified short line distance formula and grouping.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-34185 Filed 12-6-78; 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

DECEMBER 1, 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 on or before December 17, 1978. 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 96324 (Sub-E29) (Correction), filed February 9, 1976, published in the FEDERAL REGISTER, issue of November 14, 1978, and republished as corrected, this issue: Applicant: GENERAL DELIVERY INC., P.O. Box 1816, Fairmont, WV. Representative: Harold G. Hernly, Jr., Esq., 118 North St. Asaph Street, Alexandria, VA 22314. *Glass containers and pottery containers*, from those points in PA on and north and west of a line beginning at the PA-OH State line, and extending along U.S. Hwy 22 to junction of U.S. Hwy 219, then north along U.S. Hwy 219 to the PA-NY State line, to points in NC. Gateways eliminated: Harrison County and Short Gap, WV. The purpose of this republication is to correct the territorial description.

MC 107012 (Sub-E255), filed July 7, 1977. 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 Household Appliances, crated*—

(1) From points in MS, to points in MT, ND, and WA.

(2) From points in Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington,

Yazoo Counties, MS; to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity Counties, CA; Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties, ID; points in OR; Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth Counties, SD; Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY.

(3) From points in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne Counties, MS, to points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties, ID; points in OR; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Zieback, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, Spink Counties, SD; Park, Teton, Yellowstone National Park, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY.

(4) From points in Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston Counties, MS, to points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties, ID; Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Crook, De Schutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler Counties, OR; Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, Spink Counties, SD; Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY.

(5) From points in Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall, Wilkinson Counties, MS, to points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties, ID; Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill Counties, OR; Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, Spink Counties, SD.

(6) From points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, De Soto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS; to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity Counties, CA; points in ID; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; points OR; 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, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, Spink Counties, SD; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber Counties, UT; Park, Teton, Yellowstone National Park, Fremont, Hot Springs, Natrona, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E256), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. BOX 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Garry M. Crist (same address as above). *New Household Appliances, crated—*

(1) From points in MT, to points in AL, FL, GA, KY, MS, NC, SC, TN and VA.

(2) From points in Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Bighorn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux, Yellowstone, Counties, MT, to points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafoursche, Livigston, 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, Counties, LA.

(3) From points in Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, Counties, MT, 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, Counties, AR; 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, West Feliciana, Counties, LA.

(4) From points in Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Counties, MT, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Counties, AR; 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, Counties, LA.

(5) From points in Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Counties, MT, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighhead, 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, Praire, Pulaski, Saline, White, Counties, AR; 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, Plaque-

mines, 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, Counties, LA. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-No. E260), filed July 7, 1977. 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 Household Furnishings, crated* (except new furniture).—

(1) From points in NV, to points in CT, DE, DC, IN, MD, MA, MI, NJ, NY, OH, PA, RI, and WV.

(2) From points in Clark, Lincoln Counties, NV to points in Adair, Anderson, Boyle, Casey, Cliniton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, 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, Wolfe, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitely Counties, KY.

(3) From points in Esmeralda, Eureka, Lander, Nye, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV, to points in KY; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne Counties, MO.

(4) From points in Elko, Whitepine Counties, NV, to points in KY. (Gateway eliminated: Chicago, IL).

MC 107012 (Sub-E261), filed July 7, 1977. 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 Household Appliances, crated*—

(1) From points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, Counties NM, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, 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, Warren, Counties, NC: and points in VA.

(2) From points in McKinley, Rio Arriba, San Juan, Counties, NM, to points in NC; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, York, Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Selver, Sullivan, Unicoi, Union, Washington, Counties, TN; and points in VA.

(3) From points in Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Quay, Roosevelt, Counites, NM, to points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince, William, Spotsylvania, Stafford, Westmoreland, Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, Warren, Counties, and the Cities of: Alexandria, Fairfax, Falls Church, Fredericksburg, Harrisonburg, Winchester, Va.

(4) From points in Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Counties, NM, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Counties, NC; and points in VA.

(5) From points in Colfax, Harding, Mora, Taos, Union, Counties, NM, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, 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, Warren, Counties, NC; and points in VA. (Gateway eliminated: Chicago, IL)

MC 107012 (Sub-E264), filed July 7, 1977. 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 Appliances, crated* (1) From points in NC, to points in CA, ID, MT, NV, ND, OR, SD, UT, WA and WY. (2) From points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey Counties, NC, to points in Yuma County, Arizona; 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, Yuma Counties, CO; McKinley, Rio Arriba, San Juan Counties, NM. (3) From points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson Counties, NC, to points in AZ, CO, KS; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hildalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, Union Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas Counties, OK; 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, Winkler Counties, TX. (4) From points in Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin Counties, NC, to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, Yuma Counties, AZ; points in CO; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove,

Lane, Logan, Ness Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, KS; McKinley, Rio Arriba, San Juan Counties, NM. (5) From points in Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Counties, NC, to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, Yuma Counties, AZ; points in CO; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas Trego, Wallace, Wichita, 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, Sumneer, Washington Counties, KS; McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos, Union Counties, NM. 6 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, Warren Counties, NC, to points in AZ; CO; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, 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, Sumneer, Washington Counties, KS; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos, Union Counties, NM; Beaver, Cimarron, Texas Counties, OK. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E266), filed July 7, 1977. 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 Appliances, crated* (1) From points in ND, to points in AL, FL, GA, MS, NC, SC, TN, and VA. (2) From points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark Counties, ND, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff Counties, AR; 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 Counties, LA. (3) From points in Barnes, Cass, Dickey, Kidder, La Moure, Logan, McIntosh, Ransom, Richland, Sargent, Stutsman Counties, ND, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff Counties, AR; 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, West Feliciana Counties, LA. (4) From points in Eddy, Foster, Grand Forks, Griggs, Nelson, Steele, Traill Counties, ND, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff Counties, AR; 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, West Feliciana Counties, LA. (5) From points in Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells 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 Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, 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, West Feliciana Counties, LA. (6) From points in Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward Counties, ND, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff Counties, AR; 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, West Feliciana Counties, LA. (7) From points in Divide, McKenzie, Williams Counties, ND, to points 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 Counties, AR; 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, West Feliciana Counties, LA. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E268), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. BOX 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Garry M. Crist (same address as above). *New Household Appliances, crated:* (1) From points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward Counties, OK, to points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, 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, Prince George, Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, Warren Counties, and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Harrisonburg, Winchester, VA. (2) From points in Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington Counties, OK, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson Counties, NC, Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Accomack, Glouchester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, 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, Prince George, Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, Warren Counties and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Harrisonburg, Winchester, VA. (3) From points in Beaver, Cimarron, Texas Counties, OK, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, 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, Warren Counties, NC; and points in VA. (4) From points in Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Huges, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Marray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, Stephens Counties, OK, to points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, 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, Prince George, Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock Rockingham Counties, and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Wayesboro, Harrisonburg, Winchester, VA. (gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E270), filed July 7, 1977. 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 Appliances, crated* (1) From points in OR, to points in AL, FL, GA, NC, SC, TN, and VA. (2) From points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill Counties, OR, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff Counties, AR; 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 Counties, LA; points in MS. (3) From points in Crook, De Schutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler Counties, OR, to points in Bolivar, Carrol, 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, Yalobusha Counties, MS. (4) From points in Harney, Klamath, Lake, Malheur, Coos, Curry, Douglas, Jackson, Josephine, Baker, Grant, Morrow, Umatilla, Union, Wallowa Counties, OR, to points in Bolivar, Carrol, 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, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS. (Gateway eliminated: Chicago, IL)

MC 107012 (Sub-E273), filed July 7, 1977. 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 Appli-*

ances, crated (1) From points in SC, to points in ID, MT, NV, ND, OR, SD, UT, WA, and WY. (2) From points in Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hamption, Jasper, Orangeburg, Abbeville, Anderson, Greenville, Ocomee, Pickens Counties, SC, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, 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, Yolo Counties, CA; 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, Yuma Counties, CO; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, KS. (3) From points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter Counties, SC, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, 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, Yolo Counties, CA; 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, Quary, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma Counties, CO; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, KS; Mc Kinley, Rio Arriba, San Juan Counties, NM. (4) From points in Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg Counties, SC, to points in CA; CO; 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 Counties, KS; McKinley, Rio Arriba, San Juan Counties, NM. (5) From points in Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, York Counties, SC, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside, San Diego, 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, Yolo Counties, CA; 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, Yuma Counties, CO; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, KS; Mc Kinley, Rio Arriba, San Juan Counties, NM. (6) From Greenville, SC, to points in AZ; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington Counties, AR; San Bernardino, Imperial, Riverside, San Diego Counties, CA; Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers, Pueblo Counties, CO; points in KS; Yuma Counties, CO; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, KS; Mc Kinley, Rio Arriba, San Juan Counties, NM. (4) From points in Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg Counties, SC, to points in CA; CO; 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 Counties, KS; McKinley, Rio Arriba, San Juan Counties, NM. (5) From points in Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, York Counties, SC, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside, San Diego, 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, Yolo Counties, CA; 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, Yuma Counties, CO; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, KS; Mc Kinley, Rio Arriba, San Juan Counties, NM. (6) From Greenville, SC, to points in AZ; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington Counties, AR; San Bernardino, Imperial, Riverside, San Diego Counties, CA; Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers, Pueblo Counties, CO; points in KS; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, Mc Kinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, Union Counties, NM; 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, Mc Intosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland; Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, Mc Clain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, Stephens Counties, OK; 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, Winkler Counties, TX. (7) From Landrum, SC, to points in AZ; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff Counties, AR; San Bernardino County, CA; Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Herfano, Kiowa, Las Animas, Lincoln, Otero, Prowers, Pueblo Counties, CO; points in KS; NM; 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, Mc Intosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love Mc Clain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, Stephens Counties, OK; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crock-

ett, 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, Mc Culloch, Mc Lennan, 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, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler Counties, TX. (Gateway eliminated: Chicago, IL)

MC 107012 (Sub-E275), filed July 7, 1977. 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 Appliances, crated* (1) From points in SD, to points in AL, FL, GA, NC, SC, and VA (2) From points in Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp Counties, SD, to points in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS: Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, 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, 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, Weakley Counties, TN. (3) From points in Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth Counties, SD, to 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, West Feliciana Counties, LA; points in MS and TN. (4) From points in Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, Spink Counties, SD, to 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, West Feliciana Counties, LA; Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall, Wilkinson, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, 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, 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, Weakley Counties, TN. (5) From points in Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, Yankton Counties, SD, to points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, 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, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson Counties, TN. (Gateway eliminated: Chicago, IL).

MC 107012 (Sub-E277), filed July 7, 1977. 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 Appliances, crated* (1) From points in TN, to points in MT, ND, OR, and WA. (2) From points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties, TN, to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, Yuma Counties, AZ; points in CA; CO; ID; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, KS; points in NV; McKinley, Rio Arriba, San Juan Counties, NM; points in SD, UT and WY. (3) From 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 Counties, TN, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, 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, Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma Counties, CO; points in ID; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon,

Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; points in SD, UT and WY. (4) From points in Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton Counties, TN, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity Counties, CA; Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties, ID; Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth Counties, SD. (5) From points in Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson Counties, TN, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, 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, Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt Counties, CO; points in ID; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; points in SD, UT, and WY. (6) From points in Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, Weakley Counties, TN, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, 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, Yolo Counties, CA; points in ID; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; 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; Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, Spink Counties, SD; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber Counties, UT; Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater, Uinta, Fremont, Hot Springs, Natrona, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E278), filed July 7, 1977. 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 Appliances, crated* (1) From points in UT, to points in NC, SC, and VA. (2) Beaver, Iron, Washington Counties, UT, to points in De Kalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia Counties, FL; Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, 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, Whitfield, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, Screven Counties, GA; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, 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, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson Counties, TN. (3) From points in Box Elder, Cache, Davis; Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber Counties, UT, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, AL; points in FL; GA; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, De Soto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, 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, Cannon, Cheatham, Clay, Davidson, De Kalb, 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, Weakley Counties, TN. (4) From points in Carbon, Daggett, Duchesne, Emery, Grand, San Juan, Uintah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier, Wayne, Counties, UT, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gaddsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, FL; points in GA; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jeffer-

son, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, 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, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson Counties, TN. (Gateway eliminated: Chicago, IL.)

MC 108119 (Sub-E87) (correction), filed April 24, 1978, published in the FEDERAL REGISTER issue of August 21, 1978, and republished as corrected, this issue. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Machinery and commodities* which because of size or weight, require special handling, and *related parts, materials, and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling, or which are *metal and metal articles, or self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between. . . . The purpose of this correction is to reflect the correct commodity description. The remainder of the letter-notice as previously published.

MC 108119 (Sub-E88) (correction), filed April 24, 1978, published in the FEDERAL REGISTER issue of August 21, 1978, and republished, as corrected, this issue. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Machinery and commodities* which because of size or weight, require special handling, and *related parts, materials, and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling, or which are *metal and metal articles* or *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between. . . . The purpose of this correction is to reflect the correct commodity description. The remainder of the letter-notice remains as previously published.

MC 108119 (Sub-E89) (correction), filed April 24, 1978, published in the FEDERAL REGISTER issue of August 21, 1978, and republished as corrected this isse. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Machinery and commodities* which because of size or weight, require special handling, and *related parts, materials, supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or which are *metal and metal articles,* or *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, between. . . . The purpose of this republication is to correct the commodity description. The remainder of the letter notice remains as previously published.

MC 108119 (Sub-E90) (correction), filed April 24, 1978, published in the FEDERAL REGISTER issue of August 21, 1978, and republished as corrected this issue. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Machinery and commodities* which because of size or weight, require special handling, and *related parts, materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special handling, or which are *metal and metal articles,* or *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, between. . . . The purpose of this republication is to correct the commodity description. The remainder of the letter-notice remains as previously published.

MC 108119 (Sub-E91) (correction), filed April 24, 1978, published in the FEDERAL REGISTER issue of August 21, 1978, and republished, as corrected, this issue. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Machinery and commodities* which because of size or weight require special handling, and *related parts, materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special handling or which are *metal and metal articles,* or *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between. . . . The purpose of this republication is to correct the commodity description. The remainder of the letter-notice remains as previously published.

MC 108119 (Sub-E92) (correction), filed April 24, 1978, published in the FEDERAL REGISTER issue of August 21, 1978, and republished, as corrected, this issue. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Machinery and commodities* which because of size or weight require special handling, and *related parts, materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special handling or which are *metal and metal articles,* or *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between. . . . The purpose of this republication is to correct the commodity description. The remainder of the letter-notice remains as previously published.

MC 108119 (Sub-E93) (correction), filed April 24, 1978, published in the FEDERAL REGISTER issue of August 21, 1978, and republished, as corrected, this issue. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Machinery and commodities* which because of size or weight require special handling, and *related parts, materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special handling or which are *metal and metal articles,* or *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between. . . . The purpose of this republication is to correct the commodity description. The remainder of the letter-notice remains as previously published.

MC 108119 (Sub-E94) (correction), filed April 24, 1978, published in the FEDERAL REGISTER issue of August 21, 1978, and republished, as corrected, this issue. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Machinery and commodities* which because of size or weight require special handling, and *related parts, materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special handling or which are *metal and metal articles,* or *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between. . . . The purpose of this republication is to correct the commodity description. The remainder of the letter-notice remains as previously published.

MC 108341 (Sub-E21) (correction), filed November 9, 1977, published in the FEDERAL REGISTER, issued of June 1, 1978, and partially republished as corrected, this issue. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Representatives: Jack F. Counts (same as above). *Source special nuclear, and by product materials, radioactive materials, related radioactive equipment, component parts and associated materials,* restricted to the transportation of commodities which because of size or weight require the use of special equipment, and contractor's materials, supplies, and equipment moving in connection therewith which do not necessarily require the use of special equipment. (4) between points in that part of NY on and south of a line beginning at the NY-PA State line, and extending along NY Hwy 12 to junction NY Hwy 8, then along NY Hwy 8 to the NY-VT State line, and north and west of a line beginning at the NY-PA State line, and extending along the NY-PA State line, and extending along NY Hwy 10 to junction NY Hwy 7, then along Hwy 7 to the NY-VT State line, on the one hand, and, on the other, points in that part of the U.S. in and east of ND, SD, NE, MO, AR, and TX, those in MN on and west of I Hwy 35 and those IA on and west of U.S. Hwy 218. The purpose of this partial republication is to correct the territorial description in (4) above. The remainder of this letter notice remains as previously published.

MC 114211 (Sub-E950) (correction), filed June 4, 1974, published in the FEDERAL REGISTER, issued of April 2, 1975, and republished as corrected, this issue. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kenneth R. Nelson (same as above). (a) *Self-propelled farm machinery,* (b) *Farm machinery* designed for use in conjunction with self-propelled vehicles (except tank semitrailers) and (c) *parts* for commodities (a) and (b) above, from Pembina, ND, to points in AZ, MO, KY, NC, NM, AR, TN, SC, TX, LA, MS, GA, OK, IL, AL, FL, KA, IN, OH, to points in that part of UT on and south of a line beginning at the NV-UT State line extending along U.S. Hwy 6 to junction UT Hwy 26, thence along UT Hwy 26 to junction U.S. Hwy 91, thence along U.S. Hwy 91 to junction UT Hwy 26, thence along UT Hwy 26 to junction U.S. Hwy 89, thence along U.S. Hwy 89 to junction UT Hwy 29, thence along UT Hwy 29 to junction UT Hwy 10, thence along UT Hwy 10 to junction U.S. Hwy 6, thence along U.S. Hwy 6, thence along U.S. Hwy 6 to the UT-CO State line; to points in that part of NV on and south of a line beginning at the CA-NV State line extending along U.S. Hwy 6 to the NV-UT State line; to points in that part of CA on and south of a line beginning at San Francisco, CA, extending along I Hwy 80 to junction CA Hwy 17, thence along CA Hwy 17 to junction I Hwy 580, thence along I Hwy 580 to junction I Hwy 205, thence along I Hwy 205 to junction CA Hwy 120, thence along CA Hwy 120 to junction U.S. Hwy 6, thence along U.S. Hwy 6 to the CA-NV State line; to points in that part of NE on and south of a line beginning at the CO-NE State line extending along U.S. Hwy 34 to junction U.S. Hwy 136, thence along U.S. Hwy 136 to junction U.S. Hwy 75, thence along U.S. Hwy 75 to junction NE Hwy 2, thence along NE Hwy 2 to the NE-IA State line; to points in that part of CO on and south of a line beginning at the UT-CO State line extending along U.S. Hwy 6 to junction U.S. Hwy 36, thence along U.S. Hwy 36 to junction U.S. Hwy 385, thence along U.S. Hwy 385 to junction U.S. Hwy 34, thence along U.S. Hwy 34 to CO-NE State line; to points in that part of IA on and east of a line beginning at the NE-IA State line extending along IA Hwy 2 to junction U.S. Hwy 59, thence along U.S. Hwy 59 to junction IA Hwy 39, thence along IA Hwy 39 to junction IA Hwy 175, thence along IA Hwy 175 to junction U.S. Hwy 71, thence along U.S. Hwy 71 to junction U.S. Hwy 18, thence along U.S. Hwy 18 to junction IA Hwy 4, thence along IA Hwy 4 to the IA-MN State line; to points in that part of WI on and south of a line beginning at the MN-WI State line extending along WI Hwy 70 to WI Hwy 27, thence along WI Hwy 27 to junction U.S. Hwy 8, thence along U.S. Hwy 8 to the WI-MI State line; points in the lower peninsula of MI, and to points in that part of the upper peninsula of MI on and south of a line extending along U.S. Hwy 8 to junction U.S. Hwy 2, thence along U.S. Hwy 2 to Escananba, MI and points in WV, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, MI. The purpose of this republication is to add the destination status of Lower Peninsula of MI and WV, omitted in previous publication.

MC 114868 (Sub-E29), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr. (Same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* (1) between points in MA, on the one hand, and, on the other, points in IN within 10 miles north of the OH River. (Gateways—Washington, DC and points in KY within 125 miles of Nashville.) (2) between points in MA, on the one hand, and, on the other, points in MO. (Gateways—Washington, DC and points in KY within 125 miles of Nashville.) (3) between points in MA, on the one hand, and, on the other, points in NC. (Gateways—points in TN and KY within 125 miles of Nashville and Washington, DC.) (4) between points in MA, on the one hand, and, on the other, points in KY. (Gateway—points in KY within 125 miles of Nashville.) (5) between points in MA, on the one hand, and, on the other, points in MD. (Gateway—Washington, DC.) (6) between points in MA, on the one hand, and, on the other, points in OH. (Gateway—Washington, DC.) (7) between points in MA, on the one hand, and, on the other, points in IL. (Gateways—Washington, DC and points in KY within 125 miles of Nashville.)

MC 114868 (Sub-E54), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* (1) between points in FL, on the one hand, and, on the other, points in MA. (Gateway—points in AL within 125 miles of Nashville.) (2) between points in FL, on the one hand, and, on the other, points in GA. (Gateway—points in AL.) (3) between points in FL, on the one hand, and, on the other, points in MI. (Gateway—points in AL within 125 miles of Nashville.) (4) between points in FL, on the one hand, and, on the other, points in MN. (Gateway—points in AL within 125 miles of Nashville.) (5) between points in FL, on the one hand, and, on the other, points in IN within 10 miles north of the OH River (Gateway—points in AL and KY within 125 miles of Nashville.) (6) between points in FL, on the one hand, and, on the other, points in CT. (Gateway—points in AL within 125 miles of Nashville.) (7) between points in FL, on the one hand, and, on the other, points in DE. (Gateway—points in AL within 125 miles of Nashville.) (8) between points in FL, on the one hand, and, on the other, points in IL. (Gateway—points in AL within 125 miles of Nashville.) (9) between points in FL, on the one hand, and, on the other, points in TN. (Gateway—points in TN within 125 miles of Nashville.) (10) between points in FL, on the one hand, and, on the other, points in VA west and north of a line beginning at the Chesapeake Bay extending along U.S. Hwy 360 to junction VA Hwy 30, then along VA Hwy 30 to junction I Hwy 95, then along I Hwy 95 to junction VA Hwy 54, then along VA Hwy 54 to junction U.S. Hwy

33, then along U.S. Hwy 33 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the VA-NC State line. (Gateway—points in AL within 125 miles of Nashville.) (11) between points in FL, on the one hand, and, on the other, points in MO. (Gateway—points in AL within 125 miles of Nashville.) (12) between points in FL, on the one hand, and, on the other, points in NJ. (Gateway—points in AL within 125 miles of Nashville, and Washington, DC.) (13) between points in FL, on the one hand, and, on the other, points in NY. (Gateway—points in AL within 125 miles of Nashville, and Washington, DC.) (14) between points in FL, west of U.S. Hwy 331, on the one hand, and, on the other, points in NC. (Gateway—points in AL within 125 miles of Nashville.) (15) between points in FL, on the one hand, and, on the other, points in OK. (Gateway—points in AL within 125 miles of Nashville.) (16) between points in FL, on the one hand, and, on the other, points in PA. (Gateway—points in AL within 125 miles of Nashville, and Washington, DC.) (17) between points in FL, on the one hand, and, on the other, points in RI. (Gateway—points in AL within 125 miles of Nashville.) (18) between points in FL east of a line beginning at the FL-GA State line extending along U.S. Hwy 221 to junction trunk Hwy 361A, then along trunk Hwy 361A to the Gulf of Mexico, on the one hand, and, on the other, points in TX north of a line beginning at the TX-AR State line extending along U.S. Hwy 67 to junction U.S. Hwy 271, then along U.S. Hwy 271 to junction TX Hwy 155, then along TX Hwy 155 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction trunk Hwy 374, then along trunk Hwy 374 to junction U.S. Hwy 337, then along U.S. Hwy 377 to junction U.S. Hwy 87, then along U.S. Hwy 87 to junction U.S. Hwy 67, then along U.S. Hwy 67 to the U.S.-MX International Boundary line. (Gateway—points in AL within 125 miles of Nashville.) (19) between points in FL, on the one hand, and, on the other, points in WV. (Gateway—points in AL within 125 miles of Nashville.) (20) between points in FL, on the one hand, and, on the other, points in WI. (Gateway—points in AL within 125 miles of Nashville.) (21) between points in FL, on the one hand, and, on the other, points in KY. (Gateway—points in TN within 125 miles of Nashville.) (22) between points in FL east of U.S. Hwy 301 on the one hand, and, on the other, points in LA north and east of a line beginning at the LA-MS State line extending along U.S. Hwy 80 to junction LA Hwy 17, then along LA Hwy 17 to junction LA Hwy 4, then along LA Hwy 4 to junction U.S. Hwy 165, then along U.S. Hwy 165 to junction U.S. Hwy 84, then along U.S Hwy 84 to junction LA Hwy 6, then along U.S. Hwy 6 to junction LA Hwy 117, then along LA Hwy 117 to junction U.S. Hwy 8, then along U.S. Hwy 8 to junction LA Hwy 63, then along LA Hwy 63 to the LA-TX State line. (Gateways—points in AL within 125 miles of Nashville.) (23) between points in FL, on the one hand, and, on the other, points in MD. (Gateway—points in AL within 125 miles of Nashville and Washington, DC.) (24) between points in FL, on the one hand, and, on the other, points in OH. (Gateway—points in AL an TN within 125 miles of Nashville.) (25) between points in FL, on the one hand, and, on the other, points in SC. (Gateway—points in AL within 125 miles of Nashville.)

MC 115840 (Sub E-117), filed September 12, 1977. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, AL 35202. Representative: C. E. Wesley (same as above) and E. Stephen Heisley, Ames, Hill & Ames, 666 11th Street, NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, aluminum fittings, aluminum valves, aluminum hydrants, aluminum gaskets, and aluminum accessories* (except commodities in bulk), from the facilities of Planet Corporation, Inc., at Birmingham, AL to points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, NH, MN, MS, MO, MT, NE, NV, NJ, NM, NY, ND, OH, OK, OR, PA, RI, WI, SD, TX, UT, VT, VA, WA, WV, WY, points in NC on and east of Allegheny, Wilkes, Caldwell, Burke, Catawba, Lincoln, Cabarrus, and Union Counties; points in SC on and east of a line beginning at the NC-SC State line and extending south along I Hwy 95 to junction U.S. Hwy 378, then west along U.S. Hwy 378 to junction U.S. Hwy 601, then south along U.S. Hwy 601 to junction I Hwy 26, then south along I Hwy 26 to the Atlantic Ocean; points in GA on and south of a line beginning at the SC-GA State line and extending west along I Hwy 16 to junction U.S. Hwy 80, then west along U.S. Hwy 80 to the AL-GA State line; points in TN on and west of Henry, Carroll, Gibson, Crockett, Haywood, and Fayette Counties. Gateway eliminated: Halt, AL.

MC 125433 (Sub-E. 56), 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). *Construction materials* when also building materials (except commodities in bulk), (1) between points in CO on, south and west of a line beginning at the CO-UT State line extending along U.S. Hwy 6 to junction CO Hwy 133, then along CO Hwy 133 to junction CO Hwy 135, then along CO Hwy 135 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 550, then along U.S. Hwy 550 to the CO-NM State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the CO-WY State line extending along WY Hwy 430, then along WY Hwy 430 to junction U.S. Hwy 187, then along U.S., Hwy 187 to junction WY Hwy 28, then along WY Hwy 28 to junction WY Hwy 789, then along WY Hwy 789 to junction WY Hwy 120, then along WY Hwy 120 to junction WY Hwy 397, then along WY Hwy 397 to the WY-MT State line; (2) between points in CO on and within a line beginning at the CO-NM State line extending along U.S. Hwy 550, then along U.S. Hwy 550 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction CO Hwy 135, then along CO Hwy 135 to junction CO Hwy 133, then along CO Hwy 133 to junction U.S. Hwy 6, then along U.S. Hwy 6 to juction U.S. Hwy 24, then along U.S. Hwy 24 to junction U.S. Hwy 285, then along U.S. Hwy 285 to the CO-NM State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-CO State line extending along WY Hwy 430 to junction U.S. Hwy 187, then along U.S. Hwy 187 to junction U.S. Hwy 89, then along U.S. Hwy 89 to junction U.S. Hwy 14, then along U.S. Hwy 14 to junction U.S. Hwy 16, then along U.S. Hwy 16 to junction WY Hwy 120, then along WY Hwy 120 to junction WY Hwy 397, then along WY Hwy 397 to the WY-MT State line; (3) between points in CO on, south and east of a line beginning at CO-NM State line extending along U.S. Hwy 285 to junction U.S. Hwy 24, then along U.S. Hwy 24 to the CO-KS State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-CO State line extending along WY Hwy 430 to junction I Hwy 80, then along I Hwy 80 to junction U.S. Hwy 30N, then along U.S. Hwy 30N to junction U.S. Hwy 189, then along U.S. Hwy 189 to junction U.S. Hwy 89, then along U.S. Hwy 89 to the WY-MT State line; and (4) between points in CO on and north of a line beginning at the CO-UT State line extending along U.S. Hwy 6 to junction CO Hwy 9, then along CO Hwy 9 to junction U.S. Hwy 24, then along U.S. Hwy 24 to the CO-KS State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-UT State line extending along I Hwy 80 to junction U.S. Hwy 189, then along U.S. Hwy 189 to junction U.S. Hwy 187, then along U.S. Hwy 187 to junction U.S. Hwy 89, then along U.S. Hwy 89

to the WY-MT State line. (Gateway eliminated: points in UT).

MC 125433 (Sub-E57), 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). T3Self propelled articles, each weighing 15,000 lbs. or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (except commodities in bulk), restricted to commodities which are transported on trailers, (1) between points in CO on, south and west of a line beginning at the CO-UT State line extending along U.S. Hwy 6 to junction CO Hwy 133, then along CO Hwy 133 to junction CO 135, then along CO 135 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 550, then along U.S. Hwy 550 to the CO-NM State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the CO-WY State line extending along WY Hwy 430 to junction U.S. Hwy 187, then along U.S. Hwy 187 to junction WY Hwy 28, then along WY Hwy 28 to junction WY Hwy 789, then along WY Hwy 789 to junction WY Hwy 120, then along WY Hwy 120 to junction WY Hwy 397, then along WY Hwy 397 to the WY-MT State line; (2) points in CO on and within a line beginning at the CO-NM State line extending along U.S. Hwy 550 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction CO Hwy 135, then along CO Hwy 135 to junction CO 133, then along CO Hwy 133 to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction U.S. Hwy 285, then along U.S. Hwy 285 to the CO-NM State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-CO State line extending along Hwy 430 to junction U.S. Hwy 187, then along U.S. Hwy 187 to junction U.S. Hwy 89, then along U.S. Hwy 89 to junction U.S. Hwy 14, then along U.S. Hwy 14 to junction U.S. Hwy 16, then along U.S. Hwy 16 to junction WY Hwy 120, then along WY Hwy 120 to junction WY Hwy 397, then along WY Hwy 397 to the WY-MT State line; (3) between points in CO on, south and east of a line beginning at the CO-NM State line extending along U.S. Hwy 285 to junction U.S. Hwy 24, then along U.S. Hwy 24 to the CO-KS State line on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-CO State line extending along WY Hwy 430 to junction I Hwy 80, then along I Hwy 80 to junction U.S. Hwy 30N, then along U.S. Hwy 30N to junction U.S. Hwy 189, then along U.S. Hwy 189 to junction U.S. Hwy 89, then along U.S. Hwy 89 to the WY-MT State line; and (4) between points in CO on and north of a line beginning at the CO-UT State line extending along to junction CO Hwy 9, then along CO Hwy 9 to junction U.S. Hwy 24, then along U.S. Hwy 24 to the CO-KS State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-UT State line extending along I Hwy 80 to junction U.S. Hwy 189, then along U.S. Hwy 189 to junction U.S. Hwy 187, then along U.S. Hwy 187 to junction U.S. Hwy 89, then along U.S. Hwy 89 to the WY-MT State line. (Gateway eliminated: points in UT.)

MC 143059 (Sub-E1), filed June 4, 1974. Applicant: MERCER TRANSPORTATION CO., 12th and Main Street, P.O. Box 35610, Louisville, KY 40232. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies,* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewerage, including the stringing and picking up of pipe. (1) Between points in CA, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, WY, and DC (points in AZ or NV);* (2) between points in LA, MI, AL, GA, and FL, on the one hand, and, on the other, points in UT, ID, and WY (points in TX);* (3) between points in CA on and south of I Hwy 80, on the one hand, and, on the other, points in WA (points in NV);* (4) between points in CA on, north and west of a line beginning at the Pacific Ocean and extending along CA Hwy 128 to junction I Hwy 80, then along I Hwy 80 to junction CA Hwy 99, then along CA Hwy 99 to junction CA Hwy 32, then along CA Hwy 32 to junction CA Hwy 36, then along CA Hwy 36 to junction CA Hwy 89, then along CA Hwy 89 to junction CA Hwy 299, then along CA Hwy 299 to junction U.S. Hwy 395 to the CA-OR State line, on the one hand, and, on the other, points in WA on, north and east of a line beginning at the International Boundary line between the United States and Canada, and extending along WA Hwy 21 to junction U.S. Hwy 2, then along U.S. Hwy 2 to junction U.S. Hwy 10, then along U.S. Hwy 10 to the WA-ID State line (points in NV);* (5) between points in CA on and south of a line beginning at the Pacific Ocean and extending along CA Hwy 41 to junction CA Hwy 120, then along CA Hwy 120 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the CA-NV State line, on the one hand, and, on the other, points in OR (points in NV);* (6) between points in CA on and south of a line beginning at the Pacific Ocean and extending along CA Hwy 41 to junction CA Hwy 120, then along CA Hwy 120 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the CA-NV State line, on the one hand, and, on the other, those points in OR on and north of a line beginning at the Pacific Ocean and extending along U.S. Hwy 20 to junction OR Hwy 126, then along OR Hwy 126 to junction U.S. Hwy 26, then along U.S. Hwy 26 to the OR-ID State line (points in NV);* (7) between points in CA on and north of I Hwy 80 (except points in Modoc and Lassen Counties), on the one hand, and, on the other, those points in OR on and east and north of a line beginning at the OR-CA State line, and extending along U.S. Hwy 395, then along U.S. Hwy 395 to junction U.S. Hwy 26, then along U.S. Hwy 26 to the Pacific Ocean (points in NV);* (8) between points in CA, on the one hand, and, on the other, points in ID (points in NV);* (9) between points in LA, on the one hand, and, on the other, points in MT (points in TX and OK);* (10) between points in AR, on the one hand, and, on the other, points in UT, ID, and MT (points in TX, OK, and KS);* (11) between points in MS, on the one hand, and, on the other, points in MO, IA, and NE (points in AR);* (12) between points in AL, GA, and FL, on the one hand, and, on the other, points in MO, IA, and NE (points in AR);* (1) between points in IA, on the one hand, and, on the other, points in SC; (2) between those points in IA on and east of U.S. Hwy 63, on the one hand, and, on the other, those points in TN on and west of U.S. Hwy 45-E and U.S. Hwy 45; (c) between those points in IA on and east of U.S. Hwy 71, and on and west of U.S. Hwy 63, on the one hand, and, on the other, those points in TN on and west and south of a line beginning at the KY-TN State line and extending along U.S. Hwy 45-E, then along U.S. Hwy 45-E to junction U.S. Hwy 64, then east along U.S. Hwy 64 to the TN-NC State line; (3) between points in IA on and east of U.S. Hwy 71, and on and west of Hwy 63, on the one hand, and, on the other, points in TN on and west and south of a line beginning at the TN-KY State line, and extending along U.S. Hwy 45-E to junction U.S. Hwy 45, then along U.S. Hwy 45 to junction U.S. Hwy 64, then along U.S. Hwy 64 to the TN-NC State line; (4) between points in IA on and west of Hwy 71, on the one hand, and, on the other, points in TN, NC, and VA; (5) between those points in IA on and east of a line beginning at the IA-MO State line, and extending along U.S. Hwy 71, then along U.S. Hwy 71 to the IA-MN State line, then along IA-MN

State line to junction U.S. Hwy 69, then south along U.S. Hwy 69 to junction U.S. Hwy 20, then east along U.S. Hwy 20 to junction U.S. Hwy 218, then south along U.S. Hwy 218 to junction U.S. Hwy 34, then east along U.S. Hwy 34 to the IO-IL State line, then along the IL-IA State line to the IA-MO State line, then along the IA-MO State line to point of beginning on the one hand, and, on the other, those points in NC on and east and south of a line beginning at the NC-SC State line, and extending along U.S. Hwy 21 to junction U.S. Hwy 70, then east along U.S. Hwy 70 to Onslow Bay (points in AR);* (14) between points in IA, on the one hand, and, on the other, points in AL, GA, and FL (points in AR);* (15) between points in IA, on the one hand, and, on the other, points in MS (points in AR);* (16) between points in TX, on the one hand, and, on the other, points in TN, SC, NC, KY, OH, VA, WV, MD, DE, DC, PA, NJ, NY, CT, RI, MA, VT, NH, and ME (points in MS);* (17) between points in TX on and east and south of a line beginning at the Gulf of Mexico, and extending along U.S. Hwy 75 to junction U.S. Hwy 59, then north along U.S. Hwy 59 to junction U.S. Hwy 259, then along U.S. 259 to junction U.S. Hwy 84, then east along U.S. Hwy 84 to the TX-LA State line, to points in ND (points in MS);* (18) between points in TX on and west of a line beginning at the Gulf of Mexico, and extending along U.S. Hwy 75 to junction U.S. Hwy 90, then south along Alt. U.S. Hwy 90 to junction U.S. Hwy 281, then south along U.S. Hwy 281 to the International Boundary line between United States and Mexico on the one hand, and, on the other points in ND on and east of ND Hwy 1 (points in MS);* (19) between points in TX on and north and west of a line, beginning at TX-NM State line, and extending along U.S. Hwy 70 to junction TX Hwy 283, then along TX Hwy 283 to the TX-OK State line on the one hand, and, on the other, those points in IL on and east and south of a line beginning at the IL-KY State line, and extending along U.S. Hwy 51 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to the IL-IN State line, points in IN on and east of U.S. Hwy 31, and on and north of Hwy 40 (points in MS);* (20) between points in TX on and south and east of a line beginning at the TX-NM State line, and extending along U.S. Hwy 70 to junction TX Hwy 283, then along TX Hwy 283 to the TX-OK State line on the one hand, and, on the other, points in IL and IN (points in MS);* (21) between points in TX on and east and south of a line beginning at the International Boundary between United States and Mexico, and extending along U.S. Hwy 77, then along U.S. Hwy 77 to junction U.S. Hwy 90, then east along U.S. Hwy 90 to junction U.S. Hwy 59, then along U.S. Hwy 59 to junction U.S. Hwy 259, then along U.S. Hwy 259 to junction U.S. Hwy 84, then along U.S. Hwy 84 to the TX-LA State line, on the one hand, and, on the other, points in MN (points in MS);* (22) between points in TX on and west of a line beginning at the International Boundary between United States and Mexico, and extending along U.S. Hwy 77 to junction U.S. Hwy 90, then north along U.S. Hwy 90 to junction U.S. Hwy 59, then north along U.S. Hwy 59 to junction U.S. Hwy 259, then along U.S. Hwy 259 to junction U.S. Hwy 84, then along U.S. Hwy 84 to the TX-LA State line, then north along the TX-LA State line to junction U.S. Hwy 80, then south along U.S. Hwy 80 to junction U.S. Hwy 69, then south along U.S. Hwy 69 to junction U.S. Hwy 79, then south along U.S. Hwy 79 to junction U.S. Hwy 81, then along U.S. Hwy 81 to junction U.S. Hwy 90, then south along U.S. Hwy 90 to Del Rio, TX, near the International Boundary line between United States and Mexico, then along TX-Mexico Boundary to point of beginning on the one hand, and, on the other, points in MN on and east of MN Hwy 65 (points in MS);* (23) between points in TX on and west and south of a line beginning at the TX-OK State line, and extending along U.S. Hwy 75 to junction U.S. Hwy 80, then west along U.S. Hwy 80 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction U.S. Hwy 180, then west along U.S. Hwy 180 to the TX-NM State line, on the one hand, and, on the other, points in WI (points in MS);* (24) between points in TX on and west of a line beginning at the TX-OK State line and extending along U.S. Hwy 75 to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction U.S. Hwy 281, then north along U.S. Hwy 281 to the TX-OK State line, on the one hand, and, on the other, those points in WI on and east of U.S. Hwy 51 (points in MS);* (25) between points in LA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MN, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WI, and DC; (points in MS);* (26) between points in AR, on the one hand, and, on the other, points in TN, SC, NC, VA, WV, OH, MD, PA, DE, DC, NJ, NY, CT, RI, MA, VT, NH, and ME (points in MS);* (27) between points in AR on and south of U.S. Hwy 70, on the one hand, and, on the other, points in IL, IN, and SD (points in MS);* (28) between points in AR on and north of U.S. Hwy 70, on the one hand, and, on the other, points in IN on and south and east of a line beginning at the IN-IL State line, and extending along U.S. Hwy 50 to junction IN Hwy 3 then north along IN Hwy 3 to the IN-MI State line (points in MS);* (29) between points in AR on and south and west of a line, beginning at the AR-MO State line, and extending along U.S. Hwy 63 to junction U.S. Hwy 167, then south along U.S. Hwy 167 to junction U.S. Hwy 64, then along U.S. Hwy 64 to the AR-TN State line, on the one hand, and, on the other, points in KY (points in MS);* (30) between points in AR on and east and north of a line beginning at the AR-MO State line, and extending along U.S. Hwy 63 to junction U.S. Hwy 167, then along U.S. Hwy 167 to junction U.S. Hwy 64, then along U.S. Hwy 64 to the AR-TN State line, on the one hand, and, on the other, points in KY on and east of I Hwy 75 (points in MS) (31) between points in AR on and east of Hwy 67, on the one hand, and, on the other, points in ND and MN (points in MS);* (32) between points in Kansas, on the one hand, and, on the other, points in TN, VA, NC, and SC (points in MS);* (33) between points in KS on and west and south of a line beginning at the KS-OK State line and extending along U.S. Hwy 83 to junction U.S. Hwy 50, then west along U.S. Hwy 50 to the KS-CO State line on the one hand, and, on the other, points in OH (points in MS);* (34) between points in KS on and south of Hwy 160, on the one hand, and, on the other, points in OH on and east of a line beginning at the OH-KY State line, and extending along U.S. Hwy 23, then north along U.S. Hwy 23 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to the OH-WV State line, and points in PA (points in MS);* (35) between points in KS on and west and south of a line beginning at the KS-NE State line and extending along U.S. Hwy 81 to junction U.S. Hwy 54, then east along U.S. Hwy 54 to the KS-MO State line, on the one hand, and, on the other, points in CT, DC, KY, MD, NJ, NY, RI, NH, VT, MA, and WV (points in MS);* (36) between points in NE on the one hand, and, on the other, points in TN, NC, SC, and VA; and (2) between points in NE on and west of U.S. Hwy 83, on the one hand, and, on the other, points in CT, DC, DE and points in IL on and south of U.S. Hwy 13, points in KY on and west of U.S. Hwy 231, and on and south of U.S. Hwy 62, and points in MA, MD, ME, NJ, RI, and WV on and south of U.S. Hwy 60 (West Memphis, AR and South Haven, MS);* (37) between points in NE, on the one hand, and, on the other, points in AL, GA, and FL (points in KS or AR);* (38) between points in NE on the one hand, and, on the other, points in MS (points in AR);* (39) between points in WY, on the one hand, and, on the other, points in TN, NC, SC, KY, and

WV; (2) between points in WY on and west of a line beginning at the WY-CO State line and extending along WY Hwy 430 to junction U.S. Hwy 187, then along U.S. Hwy 187 to junction U.S. Hwy 89, then along U.S. Hwy 89 to the WY-MT State line, on the one hand, and, on the other, points in NY on and east of a line beginning at the NY-PA State line, and extending along I Hwy 81 to junction N.Y. Hwy 7, then east along NY Hwy 7 to junction N.Y. Hwy 30, then north along NY Hwy 30 to junction N.Y. Hwy 8, then north along NY Hwy 8 to junction U.S. Hwy 9, then along U.S. Hwy 9 to the International Boundary line between the United States and Canada, points in NH, VT, and those points in PA on and south and east of a line beginning at PA-WV State line and extending along I Hwy 70 to junction I Hwy 76, then along I Hwy 76 to junction I Hwy 81, then north along I Hwy 81 to the PA-NY State line; (3) between points in WY, on the one hand, and, on the other, points in IL on and south of Hwy 13, points in IN on and south of Hwy 50, and points in OH on and south of U.S. Hwy 50; (4) between points in WY on and west of WY Hwy 120 and WY Hwy 789, on the one hand, and, on the other, points in WV; and (5) between points in WY on and east of Hwy 120 and WY Hwy 789, on the one hand, and, on the other, points in WV on and south of U.S. Hwy 60 (West Memphis, AR and South Haven, MS);* (40) between points in WY, on the one hand, and, on the other, points in AL, GA, and FL (points in AR);* (41) between points in WY, on the one hand, and, on the other, points in MS (points in AR);* (42) between points in MO, on the one hand, and, on the other, points in NC, SC, and VA (points in West Memphis, AR and South Haven, MS);* (43) between points in MO on and west of a line beginning at the MO-KS State line, and extending along U.S. Hwy 66 to junction U.S. Hwy 65, then south along U.S. Hwy 65 to junction U.S. Hwy 60, then east along U.S. Hwy 60, to the MO-KY State line, on the one hand, and, on the other, points in CT, DC, DE, MD, NH, NJ, NY, RI, and VT (West Memphis, AR and South Haven MS)* (44) between points in MO on and east and south of a line beginning at the MO-AR State line, and extending along U.S. Hwy 63, then along U.S. Hwy 63 to junction U.S. Hwy 60, then east along U.S. Hwy 60 to junction U.S. Hwy 67, then south along U.S. Hwy 67 to the MO-AR State line, on the one hand, and, on the other, points in MI on and east of I Hwy 75, and points in OH (West Memphis, AR and South Haven, MS);* (45) between points in MO on and west and south of a line beginning at the MO-IA State line, and extending along U.S. Hwy 65, then south along U.S. Hwy 65 to junction U.S. Hwy 40, then east U.S. Hwy 40 to junction U.S. Hwy 63, then south along U.S. Hwy 63 to the MO-AR State line, on the one hand, and, on the other, points in TN (West Memphis, AR and South Haven, MS)* (46) between points in MO on and east of a line beginning at the MO-IA State line and extending along U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 40, then east along U.S. Hwy 40 to junction U.S. Hwy 63, then north along U.S. Hwy 63 to the MO-IA State line, on the one hand, and, on the other, points in TN on and south of Hwy 70; (47) between points in MO on and east and south of a line beginning at the MO-AR State line, and extending along U.S. Hwy 63 to junction U.S. Hwy 60, then MO-KY State line, on the one hand, and, on the other, points in PA, points in ND on and west and south of a line, beginning at the International Boundary line between United States and Canada, and extending along U.S. Hwy 83, then south along U.S. Hwy 10, then east along U.S. Hwy 10 to junction ND Hwy 3, then south along ND Hwy 3 to the ND-SD State line, points in SD on and west of a line beginning at the SD-ND State line and extending along U.S. Hwy 85 to junction U.S. Hwy 385, then south along U.S. Hwy 385 to the SD-NE State line (West Memphis, AR and South Haven, MS);* (48) between points in MO on and south and west of a line beginning at the MO-KS State line and extending along U.S. Hwy 40, then along U.S. Hwy. 40 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 60, then east along U.S. Hwy 60 to the MO-KY State line, on the one hand, and, on the other, points in MS and ME (West Memphis, AR and South Haven, MS);* (49) between points in MO on and south and west of a line beginning at the MO-KS State line and extending along U.S. Hwy 66 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 60, then east along U.S. Hwy 60, then east along U.S. Hwy 60 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the MO-AR State line, on the one hand, and, on the other, points in KY on and east of U.S. Hwy 31-E, points in OH on and east and south of a line beginning at the OH-KY State line and extending along U.S. Hwy 23, then along U.S. Hwy 23, then along U.S. Hwy 23 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the OH-WV State line, and points in WV (West Memphis, AR and South Haven, MS);* (50) between points in Missouri, on the one hand, and, on the other, points in GA, AL, and FL (points in AR);* (51) between points in MO, on the one hand, and, on the other, points in MS (points in AR);* (52) between points in OK, on the one hand, and, on the other, points in CT, DE, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC (South Haven, MS);* (53) between points in OK on and south and west of a line beginning at the OK-TX State line and extending along U.S. Hwy 66 to junction U.S. Hwy 281, then south along U.S. Hwy 281 to the OK-TX State line, on the one hand, and, on the other, points in Illinois on and east of U.S. Hwy 51 (South Haven, MS);* (54) between points in OK on and east of a line beginning at the OK-TX State line, and extending along U.S. Hwy 281 then along U.S. Hwy 281 to junction OK Hwy 33, then along OK Hwy 33 to junction U.S. Hwy 177, then south along U.S. Hwy 177 to junction U.S. Hwy 70, then west along U.S. Hwy 70 to junction U.S. Hwy 77, then south along U.S. Hwy 77 to the OK-TX State line, on the one hand, and, on the other, points in IL on and east and south of a line beginning at the IL-KY State line and extending along U.S. Hwy 51 to junction IL Hwy 54, then east along IL Hwy 54 to junction U.S. Hwy 150, then east along U.S. Hwy 150 to junction U.S. Hwy 136, then along U.S. Hwy 136 to the IL-IN State line (South Haven, MS);* (55) between points in OK on and east and south of a line beginning at the OK-TX State line, and extending along U.S. Hwy 77 to junction OK Hwy 19, then east along OK Hwy 19 to junction OK Hwy 1, then north along OK Hwy 1 to junction U.S. Hwy 270, then east along U.S. Hwy 270 to the OK-AR State line, on the one hand, and, on the other, points in IL (South Haven, MS);* (56) between points in OK on and north of a line beginning at the OK-TX State line, and extending along U.S. Hwy 66, then along U.S. Hwy 66 to junction U.S. Hwy 281, then north along U.S. Hwy 281 to junction OK Hwy 33, then east along OK Hwy 33 to junction U.S. Hwy 177, then south along U.S. Hwy 177 to junction OK Hwy 19, then along OK Hwy 19 to junction OK Hwy 1, then along OK Hwy 1 to junction U.S. Hwy 270, then east along U.S. Hwy 270 to the OK-AR State line, on the one hand, and, on the other, points in Illinois on and south of IL Hwy 13 (South Haven, MS);* (57) between points in OK on and south of I Hwy 40, on the one hand, and, on the other, points in IN (South Haven, MS);* (58) between points in OK on and north of I Hwy 40 (except those points on and east of a line beginning at the OK-KS State line and extending along U.S. Hwy 183 to junction U.S. Hwy 64, then east along U.S. Hwy 64 to junction U.S. Hwy 81, then north along U.S. Hwy 81 to the OK-KS State line), on the one hand, and, on the other, points in IN on and east and south of a line beginning at the IN-MI State line, and ex-

tending along U.S. Hwy 31 to junction U.S. Hwy 40, then south along U.S. Hwy 40 to the IN-IL State line (South Haven, MS);* (59) between points in OK on and west and south of a line beginning at the OK-KS State line, and extending along U.S. Hwy 77, then south along U.S. Hwy 77 to junction U.S. Hwy 60, then east along U.S. Hwy 60 to the OK-MO State line, on the one hand, and on the other, points in MI (South Haven, MS);* (60) between points in OK on and east and south of a line beginning at the OK-TX State line, and extending along U.S. Hwy 69 to junction U.S. Hwy 270, then east east along U.S. Hwy 270 to the OK-AR State line, on the other hand, and, on the other, points in WI (South Haven, MS);* (61) between points in OK on and south extending along U.S. Hwy 51 to junction U.S. Hwy 151, then along U.S. Hwy 151 to junction U.S. Hwy 41, then along U.S. Hwy 41 to junction WI Hwy 57, then north along WI Hwy 57 to Green Bay (South Haven, MS);* Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted to the transportation of traffic originating at or destined to pipeline rights-of-way. The authority granted herein is restricted against the transportation of traffic (1) from Lone Star, TX, to Memphis, TN, and points in AL, AR, FL, GA, KS, LA, MS, and OK; (2) from the plant sites and warehouse facilities of Jones & Laughlin Steel Corporation, at or near Gainesville, TX, to points in AR, LA, MO, OK, and TX; and (3) from the plant site of Tex-Tube Division, Detroit Steel Corporation, at Houston, TX, to points in the United States (except AK, HI, and TX). The purpose of this filing is to eliminate the gateways denoted by asterisks above.

NOTE.—This letter-notice originally filed as MC-106407 (Sub-No. E5). By application for transfer of authority cited in MC-106407 (Sub-No. 21), Mercer Water & Sewer Transportation Co. Transferee and T. E. Mercer Trucking Co. Transferor, filed on or about March 11, 1976 in MC-FC-76451, an order was entered March 7, 1977 (corrected order served April 4, 1977) and the transfer was approved.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-34186 Filed 12-6-78; 8:45 am]

[7035-01-M]

[Notice No. 229]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 4, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

W-406 (Sub-12TA). By order entered October 25, 1978, the Motor Carrier Board granted Ohio Barge Line, Inc., Pittsburgh, PA, 180 day temporary authority to engage in the transportation by water vessel, in interstate commerce, in the transportation of iron and steel articles, by non-self propelled vessels with the use of separate towing vessels, from the facilities of United States Steel Corporation at South Chicago, IL, and Central Wharf facility of Homestead District Works, at Munhall, PA, to lock and dam number one (mile 42.6) on the Red River in Louisiana. Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219, for applicant. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

MC 140025 (Sub-2TA), filed July 31, 1978, published in the FEDERAL REGISTER October 16, 1978 and republished this issue. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32205. Representative: McCarthy Crenshaw, 21 West Church Street, 1205 Universla Marion Building, Jacksonville, FL 32202. By order entered November 21, 1978, the Motor Carrier Board granted applicant, 180 day temporary authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or trailers, (except motor vehicles, commodities in bulk and those requiring specialized handling or rigging), between points in the Jacksonville, FL commercial zone, restricted to traffic having an immediate prior or subsequent movement by water. Supporting shipper(s): (1) Sea and Services, Inc., P.O. Box 1050, Elizabeth, NJ. (2) Puerto Rico Maritime Shipping Authority, P.O. Box 26483, 10001 Lake Forest Blvd., 4th Floor, New Orleans, LA 70186.

Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

Purpose of this republication is to reflect the broader scope of authority granted by the Motor Carrier Board.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-34188 Filed 12-6-78; 8:45 am]

[7035-01-M]

[Notice No. 138]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission, on or before January 8, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Com-

mission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which portestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

FD-28902. By decision of December 1, 1978, the Motor Carrier Board approved the transfer from Brent Towing Company, Inc., Lake Ferguson, P.O. Drawer 8, Greenville, MS 38701, to Brent Contract Carriers, Inc., Industrial Fill, Greenville, MS 28701 of the operating rights set forth in Permit W-1315 (Sub-No. 1) issued August 7, 1978 as follows: By towing vessels, in the transportation of plastic materials and products, in containers, between Texas City and North Seadrift, TX, on the one hand, and, on the other, Leetsdale, PA, limited to a transportation service to be performed under a continuing contract(s) with Union Carbide Corporation. Applicants representative: David A. Sutherland, Esq., 1150 Connecticut Avenue, N.W., Washington, D.C. 20036.

MC-FC-77878, filed September 26, 1978. Transferee: NEW WEST TRANSPORTATION, INC., 1431 North 15th Avenue, Tucson, AZ 85705. Transferor: Tucson Warehouse & Transfer Co., 1431 North 15th Avenue, Tucson, AZ 85705. Representative: John Patrick Lyons, Attorney, P.O. Box 3017, Tucson, AZ 85702. Authority is sought for purchase by transferee of a portion of the operating rights of transferor set forth in Certificate of Registration No. MC-38835 (Sub-No. 1) issued June 1, 1965, as follows: Machinery, structural steel, prefabricated steel, trusses and contractors equipment and outfits, to and from all points and places within the State of Arizona, with base of operations at Tucson, AZ. Contractors equipment and outfits shall be defined as tools and machinery necessary for and used in construction. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC-FC-77928, filed November 9, 1978. Transferee: WINSTON LIMOUSINE SERVICE, INC., 41 Pembrook Drive, Stony Brook, NY 11790. Transferor: Tri-Cities Limo Service, Inc., 567 Main Street, Passaic, NJ 07055. Representative: Sidney J. Leshin, Attorney, 575 Madison Avenue, New York, NY 10022. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-135268, issued May 1, 1972, as follows: Passengers, having a prior or subsequent movement by air or water, and their baggage in the same vehicle with passengers, in special operations in nonscheduled door-to-door service limited to the transportation of not more than 11 passengers in any one vehicle, not including driver thereof, between points in Bergen, Passaic, Hudson, Essex, Union and Morris Counties, NJ, on the one hand, and, on the other, JFK International Airport, La Guardia Airport, and the steamship piers in New York, NY. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-34184 Filed 12-6-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01-M]

1

CIVIL AERONAUTICS BOARD.

Notice of addition and deletion of items to the December 7, 1978, agenda.

TIME AND DATE: 10 a.m., December 7, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

Delete: 8. Docket 32293, *Northeast Points-Puerto Rico/Virgin Islands Service Investigation* (OGC).

Addition: 22a. Exemption of Air Carriers and Foreign Air Carriers from section 403(b) of the Act to Satisfy Passenger Complaints and Claims (BCP, BPDA, BIA, OGC) (Memo 8334).

STATUS: Open.

PERSON TO CONTACT:

Phylis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The staff attorney originally assigned to Docket 32293 became ill and staff work was not completed in time to allow the Board to consider the matter thoroughly. Due to additional time needed by the staff for coordination item 22a was not received on time in order to be placed on the December 7, 1978, agenda. This item concerns a proposal to grant U.S. and foreign air carriers an exemption from tariff observance requirements to permit resolution of consumer complaints. The reason for short-notice is to have the Board permit this action prior to the Christmas holiday season when air traffic is the heaviest and the likelihood of consumer problems is greater than at any other time of the year. Accordingly the following Members have voted that agency business requires the deletion of item 8 and the addition of item 22a to the December 7, 1978, agenda and that no earlier announcement of these changes was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-2473-78 Filed 12-5-78; 3:29 pm]

[6320-01-M]

2

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., December 7, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 31704, Nordair application to amend and renew one of its three foreign air carrier permits to operate charters between 20 named European countries and any point or points in the United States, subject to conditions and limitations (Memo 8313, BIA, OGC).

3. Docket 26487, *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation* (OGC).

4. Dockets 28848, 29445, 29186, 21162, and 28800; *Improved Authority to Wichita Case; Las Vegas-Dallas/Fort Worth Nonstop Service Investigation, Memphis-Twin Cities/Milwaukee Case, Midwest-Atlanta Nonstop Service Investigation, Ohio/Indiana Points Nonstop Service Investigation and Phoenix-Des Moines/Milwaukee Route Proceeding.* (OGC).

5. Docket 32143, *Austin/San Antonio-Atlanta Service* (Memo 8270-B, OGC).

6. Docket 30182, *Iowa/Illinois-Atlanta Route Proceeding,* Tentative Opinion and Order disposing of deferred issues (Memo 6950-C, OGC).

7. Docket 31570, *Southeast Alaska Service Investigation,* Procedural order (OGC).

8. Docket 32293, *Northeast Points-Puerto Rico/Virgin Islands Service Investigation* (OGC).

9. Docket 33849, *Application of Southeast Airlines* for emergency exemption in the Miami-Borinquen market (OGC).

9a. Docket 30055, Phoenix-Las Vegas-Reno Competitive Nonstop Service Proceeding (OGC).

10. Docket 27186, *Schedules of KLM Royal Dutch Airlines*—Order to vacate Part 213 Orders by reason of mootness in light of Protocol to Air Transport Agreement signed March 31, 1978 (OGC, BIA, BCP).

11. Dockets 32674 and 33634, Petition of Aeroamerica, Inc., for reconsideration of Order 78-10-106 which denied Aeroamerica exemption authority to operate in the Seattle-Portland-Honolulu market pending resolution of certain consumer protection issues (Memo 8248-E, PPDA, BCP).

12. Dockets 30699 and 33019, *Oakland Service Case,* and *Chicago-Midway Expanded Service Proceeding* (Memo 8316 BPDA).

13. Dockets 33927 and 33967, National's Applications for exemptions from 401(j) to permit it to suspend air service on less than ninety-day notice at Baltimore, Boston, Philadelphia, Providence, Atlanta, Key West and Panama City (Memo 8327, PBDA).

14. Docket 32994, Order 78-10-32, Allegheny's Charleston, W. Va.-Pittsburgh Exemption and Order to Show Cause (Memo 8180-B, BPDA).

15. Dockets 31260 and 33658, Allegheny's application for certificate amendment permitting non-stop Boston-New York/Newark authority; Air New England's application for certificate amendment permitting non-stop Boston-New York/Newark authority (Memo 8326, BPDA).

16. Dockets 30909, 29531, 31371, 33260, and 33300, Application of TWA for realignment of Route 2 into two linear segments (BPDA).

17. Dockets 33750, 33751, and 33753; Airwest's notices of intent to terminate or suspend services at Stockton, Santa Barbara and Monterey-Salinas, California, respectively in 90 days (BPDA, OGC).

18. Docket 33172, Amend Allegheny Airlines' Certificate to Redesignate the Intermediate Point "Liberty-Monticello" the Intermediate Point "Catskills/Sullivan County." (Memo 8227-A, PBDA).

19. Docket 33764, et al., Petition of Braniff Airways for clarification of Order 78-11-96 (BPDA).

20. Docket 33712, Tiger International—Seaboard Acquisition Case. This case involves the preclearance of Tiger International's acquisition of up to 25 percent of Seaboard's stock in voting trust and the institution of a proceeding under section 408 for approval of acquisition control (BPDA).

21. Docket 33348, Board options on Regulation ER-1078, October 20, 1978, requiring advertising disclosure of non-compliance with denied boarding rules (BPDA, OGC, BCP, BIA).

22. Docket 33707, Application of Hawaiian for exemption from Part 250 of the Board's regulations governing denied boarding in order to carry emergency stretcher patients without paying DBC to bumped passengers (Memo 8318, BPDA).

23. Docket 32280, National Airlines' complaint regarding Western's failure to provide economic justification for its "YX Fare." (Memo 8319, BPDA).

24. Docket 27426; Application of Air New England, Inc. (ANE) and Delta Air Lines, Inc. (Delta) for approval of a refinancing agreement (5123-B, BPDA, BCP).

25. Docket 30332, IATA agreements proposing varying increases in Western Hemisphere cargo rates through September 30, 1979, to compensate for cost increases. The reporting carriers support the increases; no other comments or objections have been received (Memo 8322, BPDA, BIA).

26. Docket 30777, IATA agreement proposing piece-based baggage system between the United States and Mexico (Memo 8195-B, BPDA, BIA).
27. Docket 23080-2, Determination of service mail rates for newly certificated services of Cochise and Sky West (Memo 7673-D, BPDA).
28. Dockets 32795 and 32796; Petition for review of staff action granting Profit By Air authority to file pickup and delivery tariffs (Memo 8317, BPDA, OGC).
29. Docket 30356, *Trancontinental Low Fare Investigation* (Instructions to staff).
30. Elimination of the reporting of freight loss and damage claims data (BAS, BPDA, BCP, OEA, OCCR, OGC, BLJ).
31. Authority delegated to the Director, Bureau of Accounts and Statistics. This rule adds new delegations of authority which would, among other things, permit the Director, BAS, to issue proposed and final accounting rules in areas where Board policy is clearly established or no issues of substance are involved (Memo 8325, BAS, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-2465-78 Filed 12-5-78; 11:39 am]

[7590-01-M]

3

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: December 11, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Monday, December 11, 1:30 P.M.

Discussion of reporting the progress of resolution of "Unresolved safety issues" in the NRC Annual Report (approximately 1 hour, public meeting).

ADDITIONAL INFORMATION

The meeting titled "Discussion of Bailly" (approximately one half hour) scheduled for approximately 2:30 p.m., Thursday, December 7, will be held (closed—exemption 10).

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Scretary.

DECEMBER 12, 1978.

[S-2462-78 Filed 12-5-78; 11:39 am]

[7600-01-M]

4

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m., Wednesday, December 13, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Partially open and partially closed.

MATTERS TO BE CONSIDERED:

Part open to the public:

The general subject of oral arguments at the Commission.

Parts subject to being closed to the public:

(a) Internal case processing matters.
(b) Method of certifying notice to employee representatives.

CONTACT PERSON FOR MORE INFORMATION.

Ms. Patricia Bausell, 202-634-4015.

DECEMBER 4, 1978.

[S-2464-78 Filed 12-5-78; 11:39 am]

[3210-01-M]

5

OVERSEAS PRIVATE INVESTMENT CORPORATION.

TIME AND DATE: Meeting of the OPIC Board of Directors, Tuesday December 12, 1978, at 9 a.m. (closed portion), 11 a.m. (open portion).

PLACE: Offices of the Corporation, Seventh floor board room, 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 11 a.m. will be closed to the public. The open portion of the meeting will start at 11 a.m.

MATTERS TO BE CONSIDERED:

Closed to the public 9 a.m. to 11 a.m.

1. Renegotiation of Lloyd's Reinsurance Agreement.
2. IDCA/OPIC.
3. Resumption of OPIC in Western Hemisphere country.
4. Status of OPIC in a Latin American country.
5. Finance project in African country.
6. Claims report.
7. Information reports.

FURTHER MATTERS TO BE CONSIDERED:

Open to the public 11 a.m.

1. Approval of the minutes of the previous Board meeting.
2. Confirmation of scheduled Board meetings.
3. Personnel matters.
4. Additional exceptions to operation of OPIC programs in developing countries.
5. Determination of a country qualifying as an eligible developing country.
6. Information reports.

CONTACT PERSON FOR INFORMATION:

Information with regard to this meeting may be obtained from the Secretary of the Corporation at 202-632-1839.

[S-2463-78 Filed 12-5-78; 11:39 am]

[4410-01-M]

6

UNITED STATES PAROLE COMMISSION.

TIME AND DATE: Tuesday, December 12, 1978, 1 p.m. to 1:30 p.m. Wednesday, December 13, 1978, 11 a.m. to 12 noon.

PLACE: Room 500; 320 First Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Discussion of office security.
2. Discussion with criminal division regarding intelligence reports on certain inmates.

CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 202-724-6304.

[S-2469-78 Filed 12-5-78; 3:29 pm]

[4410-01-M]

7

UNITED STATES PAROLE COMMISSION.

TIME AND DATE: Tuesday December 12, 1978, 9 a.m. to 1 p.m. and 1:30 p.m. to 5:30 p.m.

PLACE: Room 500, 320 First Street NW., Washington, D.C.

STATUS: Open or closed, pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 20 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

A. Ronald Peterson, Analyst, 202-724-3094.

[S-2470-78 Filed 12-5-78; 3:29 pm]

[4410-01-M]

8

UNITED STATES PAROLE COMMISSION.

TIME AND DATE: December 13, 1978, 9 a.m. to 11 a.m. and 1 p.m. to 6 p.m.

PLACE: Room 500, 320 First Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of previous meeting.
2. Reports of the Chairman, Vice-Chairman, and Commissioners.
3. Policy and procedures memoranda on the following subjects: a. Quality control of work. b. Dating of Commission Orders.
4. Revised Rules: a. 28 CFR 2.19(c)—Information from sources in the Criminal Justice System. b. Broader application of presumptive release date.
5. Legal report (current cases).
6. Revised rescission procedure.
7. Opening Original Jurisdiction and Original Jurisdiction Appeal meetings to the pulic.
8. Procedure Manual revision concerning multiple separate offenses.
9. Forms revision (Notice of Action and related forms).
10. Delegation of authority.
11. Visitors at hearings.
12. Regional training sessions.
13. Policymaking by Staff.
14. guideline applications—Those in effect at sentencing date or at date of initial hearing.
15. Administrative matters.
16. Language changes in regulations—Objections thereto (if any).
17. Scheduling of next meeting.

Contact Person for more Information.

M.E. Malin Foehrkolb, 724-6304.

[S-2471-78 Filed 12-5-78; 3:29 pm]

[4410-01-M]

9

UNITED STATES PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Wednesday, December 20, 1978 at 9:30 a.m.

PLACE: Room 500, 320 First Street NW., Washington, D.C. 20537.

STATUS: Open or closed, pursuant to a vote to be taken at the beginning of the meeting.

MATTER TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 25 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

A. Ronald Peterson, Analyst, 202-724-3094.

[S-2472-78 Filed 12-5-78; 3:29 pm]

[7910-01-M]

10

THE RENEGOTIATION BOARD.

DATE AND TIME: Monday, December 11, 1978; 9:30 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Stelma, Inc., Successor-In-Interest to a 1960 Delaware Corporation of the same name, fiscal years ended March 31, 1968 and 1969; April 1, 1969 through May 8, 1969.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: December 4, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-2466-78 Filed 12-5-78; 3:29 pm]

[7910-01-M]

11

THE RENEGOTIATION BOARD.

DATE AND TIME: Monday, December 18, 1978; 10 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Kings Point Industries, Inc., fiscal years ended April 30, 1969, 1970, and 1971 (Consolidated) and Victory Enterprises, Inc., fiscal years ended September 30, 1969, 1970, and 1971. T. S. Lankford & Sons, Inc., fiscal years ended June 28, 1969 and June 27, 1970.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: December 4, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-2467-78 Filed 12-5-78; 3:29 pm]

[7910-01-M]

12

THE RENEGOTIATION BOARD.

DATE AND TIME: Thursday, January 4, 1979; 9:30 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Lankford Manufacturing Co., Inc., fiscal years ended December 31, 1974 and 1975.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickerson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: December 4, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-2468-78 Filed 12-5-78; 3:29 pm]

THURSDAY, DECEMBER 7, 1978

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

federal register

WATER RESOURCES COUNCIL

■

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

[8410-01-m]

WATER RESOURCES COUNCIL

PRIVACY ACT of 1974

Systems of Records; Annual Publication

In accordance with 552(e)(4) of the Privacy Act of 1974, the U.S. Water Resources Council hereby publishes the Systems of records currently maintained by the Council. No changes have occurred since the last annual publication on September 20, 1977 42 FR page 47492.

Dated at Washington, D.C. on November 28, 1978.

Leo M. Eisel,
Director.

TABLE OF CONTENTS

WRC—2 General Financial Records
WRC—3 Operating Personnel Records
WRC—4 Payroll Records
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WRC—2

System name: General Financial Records—U.S. Water Resources Council (WRC).

System location: General Services Administration, Central Office; copies held by the Council at 2120 L Street, NW., Washington, D.C. 20037. (GSA holds records for the Council under contract.)

Categories of individuals covered by the system: Council employees.

Categories of records in the system: SF 1038, application and account for advance of funds; vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other offices and employees of GSA and the Council who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; 42 U.S.C. 1962a et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building, released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer
U.S. Water Resources Council
2120 L Street, NW.
Washington, D.C. 20037

Notification procedure: Contact system manager listed above.

Record access procedures: See Council access regulations in 18 CFR section 701.305.

Contesting record procedures: See Council access regulations in 18 CFR section 701.307.

Record source categories: The subject individual; the Council.

WRC—3

System name: Operating Personnel Records—U.S. Water Resources Council (WRC).

System location: Office of Program Coordination and Management, U.S. Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037.

Categories of individuals covered by the system: Council employees.

Categories of records in the system: These records basically consist of copies of information which is contained in the Official Personnel Folders maintained for the Council by the Agency Liaison Division, General Services Administration. As such, they are generally limited to personal qualifications statements, training records, position descriptions, locator files, performance appraisals, commendations, incentive awards, personnel actions, and adverse actions.

Authority for maintenance of the system: 42 U.S.C. 1962a et seq.; Federal Personnel Manual Supplement 293-31, Subchapter S8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Information in these records may be used by Council employees having a need to know in connection with a variety of personnel actions including transfers, promotions, qualifications determinations, and selection for training. Information may also be disclosed to educational institutions for training purposes, to other agencies to the extent relevant and necessary, and to prospective employees and other organizations at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual by name.

Safeguards: Retained in locked file cabinet in secured office; released only to authorized personnel.

Retention and disposal: Records are maintained during the individual's employment with the Council. When the employee leaves the Council through transfer or other separation, the record is forwarded to the Agency Liaison Division, General Services Administration, which maintains the Official Personnel Folder. There it is screened to insure that it contains no documents that should be permanently filed in the Official Personnel Folder other than exact duplicates of papers already so filed. The record and its contents are then destroyed.

System manager(s) and address:

Administrative Officer
U.S. Water Resources Council
2120 L Street, NW.
Washington, D.C. 20037

Notification procedure: Contact system manager listed above.

Record access procedures: See Council access regulations in 18 CFR section 701.305.

Contesting record procedures: See Council access regulations in 18 CFR section 701.307.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information the individual supplied, except information provided by GSA or Council officials on pay, leave, and allowance records.

WRC—4

System name: Payroll Records—U.S. Water Resources Council (WRC).

System location: General Services Administration Region 3 Office; copies held by the Council 2120 L Street, NW., Washington, D.C. 20037. (GSA holds records for the Council under contract.)

Categories of individuals covered by the system: Past and present Council employees.

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W-2 forms; overtime requests; leave data; retirement records. Records are used by Council and GSA employees to maintain adequate payroll information for Council employees, and otherwise by Council and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; 42 U.S.C. 1962a et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employees's compensation.

The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Administrative Officer, U.S. Water Resources Council, 2120 L Street, NW., Wash-

ington, D.C. 20037. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is base on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Administrative Officer, U.S. Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Public Law 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records will be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer
U.S. Water Resources Council
2120 L Street, NW.
Washington, D.C. 20037

Notification procedure: Contact system manager listed above.

Record access procedures: See Council access regulations in 18 CFR section 701.305.

Contesting record procedures: See Council access regulations in 18 CFR section 701.307.

Record source categories: The subject individual; the Council.

APPENDIX—WRC

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

Information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc. 78-33820 Filed 12-6-78; 8:45 am]

federal register

THURSDAY, DECEMBER 7, 1978

PART III

DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

LOWER AND UPPER TIER CRUDE OIL PRICE CEILINGS ADJUSTMENTS TO REFLECT IMPACT OF INFLATION FOR THE MONTHS OF DECEMBER 1978 AND JANUARY AND FEBRUARY 1979

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

[Docket No. ERA-R-77-16]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Adjustments To Lower and Upper Tier Crude Oil Price Ceilings To Reflect Impact of Inflation

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA), of the Department of Energy (DOE), by this action issues Crude Oil Price Schedule No. 13, effective December 1, 1978, for the months of December 1978, and January and February 1979. The Schedule provides monthly crude oil price increases to take into account the impact of inflation, as permitted under the Emergency Petroleum Allocation Act of 1973, as amended (EPAA, Pub. L. 93-159).

Beginning in December 1978, inflation adjustments will be applied to the projected November 1978 lower tier and upper tier prices (approximately $5.65 per barrel and $12.61 per barrel respectively), resulting in lower tier and upper tier prices for the months of December 1978, and January and February 1979 of approximately $5.68, $5.71, and $5.74 per barrel (lower tier) and $12.68, $12.75, and $12.82 per barrel (upper tier), respectively.

EFFECTIVE DATE: December 1, 1978.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street NW., Room B110, Washington, D.C. 20461, 202-634-2170.

Charles P. Little (Crude Oil Pricing Branch), Economic Regulatory Administration, 2000 M Street NW., Room 6128, Washington, D.C. 20461, 202-254-6296.

Jeffrey C. Conrad (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461, 202-566-2454.

SUPPLEMENTARY INFORMATION:

A. *Introduction.*
B. *Crude Oil Price Schedule No. 13.*

A. INTRODUCTION

Under the EPAA, Congress provided flexibility to control first sale prices of domestic crude oil as long as the national weighted average first sale price ("actual composite price") did not exceed $7.66 per barrel ("statutory composite price") for all domestic crude oil produced and sold in February 1976. Beginning in March 1976, the EPAA authorized increases in the statutory composite price to reflect the effects of inflation and to provide production incentives. Under present authority, the statutory composite price is adjusted upward at a rate not to exceed 10 percent annually.

With the issuance of Crude Oil Price Schedule No. 9, (42 FR 62125, December 9, 1977), the ERA undertook to continue the policy, announced by the President in the National Energy Plan (NEP) and implemented by the Federal Energy Administration (FEA) in Crude Oil Price Schedule No. 8 (42 FR 45284, September 9, 1977), to adjust both lower tier and upper tier ceiling prices to reflect only the rate of inflation as measured by the GNP deflator. Reference should be made to the Notice which accompanied Crude Oil Price Schedule No. 8 for a description of prior actions taken by FEA to achieve compliance with the composite price constraints of the EPAA and for a discussion of the domestic crude oil pricing policy set forth in the NEP.

B. CRUDE OIL PRICE SCHEDULE NO. 13

This price schedule continues the policy as described in the Notice which accompanied Crude Oil Price Schedule No. 8. Accordingly, under Crude Oil Price Schedule No. 13, effective December 1, 1978, the November 1978 lower tier ceiling price (the May 15, 1973 posted price plus $1.96 per barrel, resulting in an average first sale price of approximately $5.65 per barrel), and the November 1978 upper tier price (the September 30, 1975 posted price less $.06, resulting in an average first sale price of approximately $12.61 per barrel), are adjusted for inflation for December 1978, and January and February 1979, based on the first revision of the GNP deflator published on November 21, 1978, which reflects an annual rate of inflation of 7.1 percent.

1. LOWER TIER CEILING PRICES

Adjustments to ceiling prices for lower tier crude oil and the approximate average first sale prices pursuant to those ceiling prices in December 1978, and January and February 1979 are determined pursuant to the following methodology:

A. ERA has computed a monthly adjustment factor of .00573 which when applied over a twelve-month period yields an effective annual rate of adjustment of 7.1 percent.
B. December 1978 adjustment = ($5.65) (.00573) per barrel = $.032 per barrel rounded to $.03 per barrel.
C. January 1979 adjustment = ($5.65 + .03 (.00573) per barrel = $.032 per barrel rounded to $.03 per barrel.
D. February 1979 adjustment = ($5.65 + .03 + .03) (.00573) per barrel = $.033 per barrel rounded to $.03 per barrel.

Based upon the monthly adjustments computed above, average lower tier ceiling prices for the months of December 1978, and January and February 1979 are computed as follows:

December 1978 = $5.65 + $.03 = $5.68.
January 1979 = $5.68 + $.03 = $5.71.
February 1979 = $5.71 + $.03 = $5.74.

Using an average highest posted field price on May 15, 1973 of $3.69 per barrel and the monthly adjustments as computed above, lower tier prices for the next 3 months have been determined as follows:

Month	Ceiling price	Price [1]
December 1978	May 15, 1973, highest posted field price plus $1.99.	$5.68
January 1979	May 15, 1973, highest posted field price plus $2.02.	5.71
February 1979	May 15, 1973, highest posted field price plus $2.05.	5.74

[1] Estimated average first sale price.

2. UPPER TIER CEILING PRICES.

Adjustments to ceiling prices for upper tier crude oil and the approximate average first sale prices pursuant to those ceiling prices in December 1978, and January and February 1979 are determined pursuant to the following methodology:

A. Adjustment factor (explained above) = .00573.
B. December 1978 adjustment = ($12.61) (.00573) per barrel = $.072 per barrel rounded to $.07 per barrel.
C. January 1979 adjustment = ($12.61 + .07) (.00573) per barrel = $.073 per barrel rounded to $.07 per barrel.
D. February 1979 adjustment = ($12.61 + $.07 + $.07) (.00573) per barrel = $.073 per barrel rounded to $.07 per barrel.

Based upon monthly adjustments computed above, average upper tier ceiling prices for the months of December 1978, and January and February 1979 are computed as follows:

December 1978 = $12.61 + $.07 = $12.68.
January 1979 = $12.68 + $.07 = $12.75.
February 1979 = $12.75 + $.07 = $12.82.

Using an average highest posted field price on September 30, 1975, of $12.67 per barrel and the monthly adjustments as computed above, upper tier prices for the next 3 months have been determined as follows:

Month	Ceiling price	Price [1]
December 1978	Sept. 30, 1975, highest posted field price plus $0.01[2]	$12.68
January 1979	Sept. 30, 1975, highest posted field price plus $0.08[2]	12.75
February 1979	Sept. 30, 1975, highest posted field price plus $0.15[2]	12.82

[1] Estimated average first sale price.
[2] Beginning in December 1978, the monthly adjustment to upper tier ceiling prices becomes an addition to the September 30, 1975 highest posted price.

On or before March 1, 1979, the ERA will issue Crude Oil Price Schedule No. 14, setting forth lower tier and upper tier ceiling prices for the months of March, April, and May 1979.

Month	Estimated average lower tier ceiling price	Actual lower tier price	Estimated average upper tier ceiling price	Actual upper tier price[1]	Statutory composite price	Actual composite price[1]	Cumulative excess receipts (millions)
1976:							
February	$5.04	$5.05	$11.35	$11.48	$7.66	$7.87	$49
March	5.07	5.07	11.42	11.39	7.72	7.79	67
April	5.10	5.07	11.49	11.52	7.78	7.86	86
May	5.14	5.13	11.56	11.55	7.84	7.89	97
June	5.17	5.15	11.62	11.60	7.88	7.99	123
July	5.17	5.19	11.62	11.60	7.93	8.04	152
August	5.17	5.18	11.62	11.62	7.98	8.03	164
September	5.17	5.17	11.62	11.65	8.04	8.19	198
October	5.17	5.15	11.62	11.62	8.11	8.23	228
November	5.17	5.17	11.62	11.62	8.17	8.40	232
December	5.17	5.17	11.62	11.64	8.24	8.40	322
1977:							
January	5.17	5.17	11.42	11.44	8.30	8.23	316
February	5.17	5.18	11.42	11.39	8.37	8.33	308
March	5.17	5.15	10.97	11.03	8.44	8.19	246
April	5.17	5.15	10.97	10.97	8.50	8.14	161
May	5.17	5.18	10.97	10.93	8.57	8.23	76
June	5.17	5.16	10.97	10.92	8.64	8.17	−36
July	5.17	5.16	10.97	11.00	8.71	8.21	−159
August	5.17	5.18	10.97	10.93	8.78	8.25	−295
September	5.20	5.20	11.23	11.21	8.85	8.26	−446
October	5.23	5.23	11.49	11.42	8.92	8.36	−595
November	5.26	5.24	11.75	11.63	8.99	8.35	−761
December	5.28	5.25	11.80	11.76	9.06	8.40	−937
1978:							
January	5.30	5.28	11.85	11.78	9.13	8.34	−1,137
February	5.32	5.29	11.90	11.81	9.21	8.48	−1,306
March	5.35	5.34	11.96	11.88	9.28	8.41	−1,536
April	5.38	5.35	12.02	11.94	9.35	8.44	−1,772
May	5.41	5.38	12.08	11.98	9.43	8.43	−2,042
June	5.44	5.46	12.15	12.03	9.50	8.68	−2,255
July	5.47	5.46	12.22	12.15	9.58	8.60	−2,516
August	5.50	[2]5.50	12.29	[2]12.22	9.66	[2]8.67	[2]−2,779
September	5.55	[2]5.55	12.39	[2]12.35	9.73	[2]8.76	[2]−3,029
October	[3]5.60		[3]12.50		9.81		
November	[3]5.65		[3]12.61		9.89		
December	[3]5.68		[3]12.68		9.97		
1979:							
January	[3]5.71		[3]12.75		10.05		
February	[3]5.74		[3]12.82		10.13		

[1] Beginning with the month of September 1976, includes prices for stripper well crude oil production at values imputed in accordance with sec. 121 of the ECPA. Effects of Alaska North Slope (ANS) crude oil production, which commenced June 20, 1977, are included.
[2] Preliminary.
[3] Projected on the basis of crude oil price schedule Nos. 12 and 13.
[4] Does not include effects of ANS or naval petroleum reserves crude oil production.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act. Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective December 1, 1978.

Issued in Washington, D.C. November 30, 1978.

HAZEL R. ROLLINS,
Deputy Administrator,
Economic Regulatory Administration

Section 212.77 is amended in the Appendix to add Schedule No. 13 of Monthly Price Adjustments, as follows:

§ 212.77 Adjustments to Ceiling Prices.

* * * * *

APPENDIX

* * * * *

SCHEDULE NO. 13 OF MONTHLY PRICE ADJUSTMENTS, EFFECTIVE DECEMBER 1, 1978

Month	Lower tier, May 15, 1973, posted price [1] (plus)	Upper tier, Sept. 30, 1975, posted price [2] (plus)
1976		
February	1.35	−1.32
March	1.38	−1.25
April	1.41	−1.18
May	1.45	−1.11
June	1.48	−1.05
July	1.48	−1.05
August	1.48	−1.05
September	1.48	−1.05
October	1.48	−1.05
November	1.48	−1.05
December	1.48	−1.05
1977		
January	1.48	−1.25
February	1.48	−1.25
March	1.48	−1.70
April	1.48	−1.70
May	1.48	−1.70
June	1.48	−1.70
July	1.48	−1.70
August	1.48	−1.70
September	1.51	−1.44
October	1.54	−1.18
November	1.57	−.92
December	1.59	−.87
1978		
January	1.61	−.82
February	1.63	−.77
March	1.66	−.71
April	1.69	−.65
May	1.72	−.59
June	1.75	−.52
July	1.78	−.45
August	1.81	−.38
September	1.86	−.28
October	1.91	−.17
November	1.96	−.06
December	1.99	.01
1979		
January	2.02	.08
February	2.05	.15

[1] The price referred to in 10 CFR 212.73(b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4).
[2] The price referred to in 10 CFR 212.74(b)(1).

This schedule of monthly price adjustments was issued by the Economic Regulatory Administration on November 30, 1978 pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February 1976 through November 1978, as determined under 10 CFR 212.73, 212.74, and 212.77. Both lower tier and upper tier ceiling prices, which were increased under Schedule No. 12 effective September 1, 1978, are further increased as indicated in this schedule, effective December 1, 1978.

This schedule is effective only through February 28, 1979. Price ceilings for subsequent months will be provided by Schedule No. 14, to be issued on or about March 1, 1979. This schedule may, however, be superseded prior to March 1, 1978 by early issuance of Schedule No. 14 to reflect further ceiling price adjustments based on presently unanticipated trends in actual composite price levels.

[FR Doc. 78-34003 Filed 12-1-78; 3:36 pm]

Federal Register

THURSDAY, DECEMBER 7, 1978

PART IV

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

■

MAJOR URBAN TRANSPORTATION INVESTMENT

Policy and Procedures

[4910-22-M]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

[FHWA Docket No. 78-21]

[23 CFR Part 455]

[49 CFR Part 620]

FHWA/UMTA MAJOR URBAN TRANSPORTATION INVESTMENT

Policy and Procedures

AGENCY: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to supplement FHWA/UMTA policies and procedures by specifically requiring an analysis of alternatives in support of proposed major urban transportation investments so as to meet local and national goals and objectives in a cost-effective manner. Consistent policy and procedures are established for evaluating major highway and mass transit investments. The procedures require that State and local transportation officials conduct an analysis of alternatives for all prospective major urban transportation investments, whether they be highway or public transportation projects.

DATE: Written comments are due on or before February 5, 1979.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 78-21, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. The public is invited to submit their views and comments on this proposed rule and policy. All comments and suggestions received will be available for examination by any interested person at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Federal Highway Administration (FHWA): Ali F. Sevin, Urban Planning Division, 202-426-0215, or Lee J. Burstyn, Office of the Chief Counsel, 202-426-0786. Office hours for FHWA are from 7:45 a.m. to 4:15 p.m., ET. Urban Mass Transportation Administration (UMTA): Joel Ettinger, Office of Planning Assistance, 202-426-2360, or Robert Bergstrom, Office of Chief Counsel, 202-426-1906. Office hours for UMTA are from 8:30 a.m. to 5 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This notice of proposed rulemaking issues, for review and comment, a statement of Federal policy and procedures for decisions on major urban transportation investments assisted under the Urban Mass Transportation Act of 1964, as amended, and under Title 23, United States Code, Highways. The policy seeks to ensure that all federally funded transportation investments for urbanized areas meet local and national goals and objectives in a cost-effective manner. It establishes a consistent policy and procedures for evaluating proposed major highway and mass transit investments. The types of highway and mass transit projects covered include all new construction, extension, and major widening of urban freeway segments and fixed guideway transit facilities.

The proposed procedures require that State and local transportation officials conduct an analysis of alternatives for all prospective major urban transportation investments, whether they be highway or public transportation projects. The required analysis of alternatives will compare the costs of each alternative against its effectiveness in achieving a broad range of transportation, social, economic, environmental, energy conservation, and urban revitalization objectives. Thus, the analysis will provide State, local, and Federal transportation officials with a systematic and comprehensive assessment of the alternatives as an aid in decisionmaking.

Under this policy, Federal project approval will be based on a careful review of the analysis of alternatives and the Environmental Impact Statement (EIS) to asssure that the proposed alternative meets the local and national goals and objectives in a cost-effective manner.

This proposed policy should be viewed as a further step toward improving the decisionmaking process for urban transportation investments by integrating the FHWA and UMTA project development processes and more explicitly considering social, economic, and environmental factors.

As a brief background, in September 1975, FHWA and UMTA issued joint planning regulations (40 FR 42976), which integrated the planning provisions of the various transportation programs administered by the two agencies. While the joint regulations broadly defined a common planning process for all transportation mode, projects emerging from this process were still subject to different policies and procedures administratively established by the Federal agency with funding authority for the project in question.

On September 22, 1976, at 41 FR 41512, UMTA issued its "Policy on

Major Urban Mass Transportation Investments," which required an alternatives analysis for major urban mass transportation investments before such projects would be considered for funding.

In the case of major highway investments, FHWA, operating under different legislative requirements, has had no formal investment policy comparable to UMTA's "Policy on Major Urban Mass Transportation Investments." Rather, FHWA has relied on its close day-to-day working relationships with the States and several FHWA regulations to encourage the consideration of social, economic, and environmental impacts in project development. Such regulations include the Process Guidelines (23 CFR Part 795), Environmental Impact and Related Statements (23 CFR Part 771), and Public Hearings and Location/Design Approval (23 CFR Part 790).

Over the past 2 years, FHWA and UMTA have become increasingly aware of the need for greater consistency in their policies and procedures beyond the system planning process for major urban transportation investments. This need stems primarily from recent changes in the types of projects eligible for funding under the Federal-aid highway program.

The Federal-Aid Highway Act of 1976 and regulations (23 CFR 810) issued by FHWA, and published at 42 FR 47339 on September 20, 1977—"Mass Transit and Special Use Highway Projects"—broadened the definition of eligible projects for Federal-aid highway funds, permitting such funds to be used for mass transit-related facilities and special use highways (e.g., use restricted to high occupancy vehicles). Thus, for the first time, there was substantial overlap in project eligibility between the FHWA and UMTA grant assistance programs.

This proposed policy is an outgrowth of the Department's recognition of the the need for improved decisionmaking in major urban transportation investments. It provides for a systematic analysis of the performance of various alternatives with regard to local and national goals and objectives in the social, economic, environmental, and energy sectors.

In consideration of the foregoing, and under the authority of 23 U.S.C. 134 and 315 and 49 U.S.C. 1601 et seq., it is proposed that Chapter I of Title 23 and Chapter VI of Title 49, Code of Federal Regulations, be amended by adding new Parts 455 and 620, respectively, each with Subparts A and B, as set forth below.

NOTE.—The Federal Highway Administration and the Urban Mass Transportation Administration have determined that this document contains a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. An evaluation of this regulation is contained in the public docket and is available for inspection.

Issued on: December 4, 1978.

BROCK ADAMS,
Secretary of Transportation.

1. Proposed Part 455 of 23 CFR Chapter I reads as follows:

PART 455—FHWA/UMTA MAJOR URBAN TRANSPORTATION INVESTMENT POLICY AND PROCEDURES

Subpart A—General Requirments

Sec.
455.101 Introduction.
455.103 Policy.
455.105 Applicability.
455.107 System and corridor planning.

Subpart B—Procedures

455.201 Purpose of subpart.
455.203 Determination of administrative responsibility.
455.205 Procedures for jointly administered analysis of alternatives.
455.207 Procedures for analysis of alternatives when FHWA has administrative responsibility.
455.209 Procedures for analysis of alternatives when UMTA has administrative responsibility.
APPENDIX A—Advisory information on FHWA procedures for analysis of alternatives under the major urban transportation investment policy and procedures.
APPENDIX B—Major urban mass transportation investments policy.
APPENDIX C—Policy toward rail transit.

AUTHORITY: 23 U.S.C. 134 and 315; 49 U.S.C. 1601 et seq. (The Urban Mass Transportation Act of 1964, as amended); 49 CFR 1.48(b) and 1.51(f).

Subpart A—General Requirements

§ 455.101 Introduction.

(a) The wide array of options for federally aided major urban transportation investments has led to the need for establishing a single investment policy to cover both the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) projects to assure that Federal funds are used effectively. The policy in this regulation seeks to ensure that all federally funded major transportation investments for urbanized areas meet local and national goals and objectives in a cost-effective manner. It prescribes a consistent evaluation process for proposed major highway and transit investments. Types of projects covered include new or extended heavy rail, light rail, commuter rail, freeways, busways, and major widenings of freeways or fixed guideway transit facilities proposed for urbanized areas.

(b) The FHWA/UMTA joint urban transporation planning regulations, 23 CFR 450, provide consistency in the definition and administration of urban

transportation planning, but as proposed investments move from systems planning through corridor studies, coordinative efforts are needed to provide a consistent policy on major urban transportation investments. This policy and the regulations in this part provide that consistency. They apply to both FHWA and UMTA-funded major investments proposed for urbanized areas and address the entire project development process from systems planning through identification of a selected alternative.

§ 455.103 Policy.

Every major urban transportation investment proposed for FHWA or UMTA funding shall be supported by an analysis of relevant alternatives including a cost-effectiveness analysis. The scope and scale of the analysis shall be appropriate to the type of alternatives being evaluated. Federal support for major urban investments will be based on an acceptable analysis of alternatives.

§ 455.105 Applicability.

(a) Major urban transportation investments include all new construction or extensions of urban freeway segments and fixed guideway transit facilities, major freeway segment widening on existing facilities, and major widening of fixed guideway transit facilities proposed for urbanized areas.

(b) The following projects are exempt from this regulation:

(1) Lesser improvements to existing freeway or fixed guideway transit facilities, such as rehabilitation, restoration and modernization;

(2) Safety improvements or resurfacing of existing facilities;

(3) Widening of short freeway and fixed guideway transit segments;

(4) Gap closing projects on the intercity portion of Interstate routes to provide a continuous Interstate Highway System;

(5) Projects identified as part of a demonstration program; and

(6) Projects for which an alternatives analysis as required by UMTA's Policy Statement (Appendix B) has been satisfactorily completed.

(c) In order not to disrupt the existing process, highway and transit projects for which circulation of a draft Environmental Impact Statement (EIS) or negative declaration have been completed are also excluded from this regulation. However, if a draft EIS is over 3 years old and a revision is required under 23 CFR 771.12(O), this regulation applies. Projects which are exempt under this paragraph will be coordinated informally by FHWA and UMTA staff as appropriate.

§ 455.107 *System and Corridor Planning.*

(a) The FHWA/UMTA joint planning regulations, 23 CFR 450 require that all project proposals shall originate from or be given formal recognition through the system planning process. Subpart C of Part 450 requires development of a long-range transportation system plan developed through "* * * an analysis of alternative transportation facilities." Most urbanized areas have produced a long-range systems plan which reflects an awareness that different levels and types of transportation service may be needed in different portions of the metropolitan area. Some of these needs may require major investments.

(b) In system planning, consideration shall be given to a wide range of alternatives, including improvements involving better management and operation of the existing highway and public transportation networks, and different levels of service. Before completing systems planning, every effort shall be made to resolve basic modal issues or narrow the range of alternatives.

(c) Proposals for major urban transportation investments in a corridor should include transportation system management (TSM) actions to be taken to enhance corridor accessibility and convenience. Among the options that should be considered are priority treatment of buses and carpools; metering of traffic flow on highway ramps; and transit route and schedule revisions.

(d) Both the system and corridor analysis should result in a comparison of the costs and effectiveness of each alternative. Costs should include any adverse social, economic, and environmental effects as well as the capital and operating costs. Effectiveness measures include the benefits of the alternatives with respect to transportation, social, economic, and environmental conditions.

(e) The assessment of each alternative in both the system and corridor levels shall include consideration of capital and operating costs; capital efficiency, operating efficiency and productivity; effects on modal choice, level of use, environmental impacts, and energy consumption; impact on land use and urban revitalization; extent of neighborhood disruption and displacement; job creation impact; and such other social, economic, and environmental factors considered important by the local community.

Subpart B—Procedures

§ 455.201 Purpose of subpart.

This subpart contains the procedures which FHWA and UMTA wll normally follow in administering the

policy and requirements of this regulation.

§ 455.203 Determination of administrative responsibility.

(a) The transportation officials of the areas may recommend to FHWA and UMTA field staff, corridors that are considered candidates for joint administration. The FHWA and UMTA field staffs will be responsible for informing the FHWA and UMTA Headquarters offices on all corridors proposed for joint administration.

(b) The FHWA and UMTA will determine whether the analysis of alternatives will be jointly administered or whether FHWA or UMTA will have the administrative responsibility as follows:

(1) Generally, the FHWA and UMTA will jointly administer the analysis in urbanized area corridors where

(i) The long-range planning element is unable to resolve modal issues without more refined corridor studies,

(ii) The long-range element has identified a mix of major modal investments, or

(iii) It is not clear which modal administration will be requested to fund the major investment (e.g., busways).

(2) The administrative determination will generally depend upon the proposed source of funding. To clarify, if the range of major investment alternatives includes only FHWA-funded freeways, major freeway widenings, or busways, FHWA will have the administrative responsibility. Similarly, if the range of major investment alternatives include only UMTA-unded major investments (e.g., light rail, heavy rail, commuter rail, automated guideway transit or busways), UMTA will have the administrative responsibility. In cases where one agency has the administrative responsibility, that agency will coordinate with the other, primarily at the field level.

(c) The FHWA and UMTA Administrators may also designate additional corridors for jointly administered analysis regardless of the proposed source of funding. In these cases, the applicant will be notified promptly to prevent any undue delay in program delivery.

§ 455.205 Procedures for jointly administered analysis of alternatives.

For corridors that are determined to warrant joint administration of the required analysis, the following procedures will generally apply:

(a) When the Headquarters offices decide that a jointly administered analysis is warranted, an interoffice review team will be formed including field and Headquarters office representatives.

(b) Early in the process, the interoffice review team wil meet with the appropriate local and State agencies to reach agreement on the following aspects of the analysis:

(1) The range of alternatives;

(2) The evaluation methodology;

(3) The estimation of costs and effects;

(4) The travel forecasting procedures;

(5) The citizen participation mechanism;

(6) The financing assumptions;

(7) The time horizon of the analysis;

(8) The level of detail of the analysis; and

(9) The State or local agency with primary responsibility for coordinating the study.

(c) The interoffice review team will periodically review the progress of the analysis and provide guidance as required.

(d) The jointly administered analysis should include an analysis of the feasible alternatives, a draft EIS (where necessary), and a financial plan.

(e) Upon receipt of the completed analysis, the interoffice review team will review all material to insure that the analysis was conducted in conformance with FHWA and UMTA regulation and guidelines. This review will normally be completed within 90 days of the receipt of the analysis.

(f) After the completed analysis has been found in conformance with FHWA and UMTA regulation (23 CFR 455 and 49 CFR 620) and guidelines, the appropriate modal administration will circulate the draft EIS for comment (if necessary). During the circulation period, the applicant will hold a public hearing.

(g) At the end of the circulation period, the appropriate modal administration will address the questions and comments received and correct any deficiencies. The applicant may then select a recommended project for implementation.

(h) If the project recommended for implementation meets local and national goals and objectives in a cost-effective manner, the final EIS will be processed on the recommended alternative.

(i) In those corridors where major transportation investments for both modes are warranted, the review team formed for the joint corridor analysis may be called upon to coordinate subsequent project actions.

§ 455.207 Procedures for analysis of alternatives when FHWA has the administrative responsibility.

When FHWA has the administrative responsibility, advisory information on FHWA procedures for analysis of alternatives (Appendix A), will be used

in administering the investment policy.

§ 455.209 Procedures for analysis of alternatives when UMTA has the administrative responsibility.

When UMTA has the administrative responsibility, the procedures outlined in UMTA's publications on "Major Urban Mass Transportation Investments" and "Policy Toward Rail Transit" (published as Appendix B and C, respectively, to this regulation) will apply.

APPENDIX A—ADVISORY INFORMATION ON FHWA PROCEDURES FOR ANALYSIS OF ALTERNATIVES UNDER THE MAJOR URBAN TRANSPORTATION INVESTMENT POLICY AND PROCEDURES

I. INTRODUCTION.

These procedures define how FHWA will assure compliance with the major investment policy and procedures (23 CFR Part 455) when FHWA has the administrative responsibility. In keeping with the joint policy, FHWA support of major urban transportation investments will be based on an acceptable analysis of alternatives and the environmental documents prepared pursuant to the National Environmental Policy Act (NEPA). The procedures integrate the existing FHWA planning and project development process with the major investment policy to assure that a cost-effectiveness analysis of alternatives is a basis for State and local decisions in support of all proposals for major urban highway investments.

II. APPLICATION.

The analysis required under 23 CFR 455 applies to all major highway investments proposed for urbanized areas where the major transportation investment(s) to be considered for a specific corridor will be highway oriented with only minor or no mass transit investments. This determination will be made through the urban transportation planning process with FHWA and UMTA concurrence. Major urban highway investments include all new construction, extensions, or major widening of urban freeway segments, not specifically exempted by the major investment policy and procedures as listed in 23 CFR 455.105(b).

III. PROCEDURES.

A. *Systems Planning.* As information is gathered in the urban transportation planning process, every effort shall be made to incorporate cost-effectiveness considerations into long-range plan development. These cost-effectiveness considerations shall be made available to the decisionmakers before plan adoption. The FHWA Regional Office will explicitly consider the adequacy of alternatives and the cost-effectiveness analysis before certifying the planning process under 23 CFR 450.122.

B. *Project Development.* The FHWA will normally apply the following procedures in administering the major investment policy on major urban highway projects:

1. The FHWA Division Office will maintain surveillance over the State's cost-effectiveness analysis procedures using the review mechanism established to monitor the Environmental Action Plan under 23 CFR 795.

2. A cost-effectiveness analysis of alternatives shall be prepared as part of the studies made in support of the draft EIS and information pertinent to the discussion of impacts and alternatives should be summarized in the draft and final EIS.

3. The cost-effectiveness analysis of alternatives shall include, where appropriate, an analysis of vehicle occupancy and alternative strategies to increase vehicle occupancy for both buses and autos. The overriding consideration of urban improvements should be the movement of people and goods, not the movement of vehicles. Strategies to increase vehicle occupancy and coordination of transportation services should be assessed for projected person-trips during the peak traffic periods. The addition of lanes should not be considered without analyzing all other acceptable strategies for handling these person-trips.

C. *Cost-Effectiveness Analysis Review Procedures.*

1. Early in the process, the FHWA Division Office will give particular attention to the following aspects of the analysis:

a. The range of alternatives;
b. The evaluation methodology;
c. The estimation of costs and effects;
d. The travel forecasting procedures;
e. The citizen participation mechanisms; and
f. The level of detail of the analysis.

2. If the completed analysis conforms with 23 CFR 455 and FHWA policy and guidelines, the FHWA Division Office will circulate the draft EIS (if necessary) for comment to assure compliance with NEPA requirements. During the circulation period, the applicant shall comply with the public hearing requirements established under 23 CFR 790.

3. At the end of the circulation period, the comments and questions received will be addressed and any deficiencies corrected. Based on the analysis submitted, the FHWA Division Office will consult with the applicant regarding the promising alternatives which appear to meet local and national goals in a cost-effective manner. The applicant may then select a recommended alternative and submit the final environmental documents on the selected alternative.

4. If the alternative selected for implementation meets local and national goals and objectives in a cost-effective manner, the FHWA will process the final environmental document(s), subject to NEPA requirements. The FHWA Division Office will monitor subsequent project development steps to assure cost-effectiveness considerations in final project design.

D. *Interstate Cost Estimate.* The instruction manual (Instruction Manual For Preparation and Submission of the 1979 Estimate of the Cost of Completing the Interstate System, January 1978) [1] for estimating the cost of completing the Interstate System outlines specific cost-effectiveness considerations in estimating the cost of completing the Interstate System. The followintg paragraphs describe how this effort relates to the Major Urban Transportation Investment Policy and Procedures.

1. When a major design revision to the Interstate highway program is requested for Interstate cost estimating purposes, a cost-effectiveness analysis of alternatives will be required before the request is approved. As

[1] This Manual is available for inspection in accordance with 49 CFR Part 7, Appendix D.

used here, major design revisions are revisions in location, design concept, geometrics, or capacity which would result in a cost estimate increase of 20 percent or more (excluding unit cost increases due to inflation) over the previously approved cost estimate.

2. For Interstate cost estimate purposes, high cost Interstate highway segments (as defined in the Interstate cost estimate manual) will be limited to the cost developed on the basis of design concept/location approved for use in preparing the latest approved Interstate cost estimate until an acceptable analysis has been submitted.

3. Existing location or design approval given for Interstate cost estimating purposes does not constitute a commitment by FHWA to build the segment. Such a commitment must be supported by an EIS where necessary and cost-effectiveness analysis when required.

4. When an acceptable cost-effectiveness analysis of alternatives is submitted in support of a proposed revision, additional analysis will not be required at the draft EIS stage unless the estimated cost has increased significantly (exclusive of unit price changes due to inflation) or new major investment alternative design concepts are involved.

IV. EXISTING PROCEDURES

The procedures described here are designed to augment and be used in conjunction with existing FHWA requirements for Action Plans (23 CFR 795), EIS (23 CFR 771), Hearings and Location/Design Approvals (23 CFR 790).

APPENDIX B—MAJOR URBAN MASS TRANSPORTATION INVESTMENTS POLICY

FEDERAL POLICY ON ASSISTANCE FOR MAJOR URBAN MASS TRANSPORTATION INVESTMENTS

Since the beginning of this decade, the Federal Government has provided an increasing share of the Nation's capital investment in urban mass transportation. In the years ahead, as more and more communities seek Federal financial aid to improve and expand their mass transportation systems, it is more essential than ever that Federal funds be effectively and efficiently utilized.

Since each metropolitan area has differing characteristics, Federal mass transportation assistance cannot be based on standardized prescriptions. Rather, Federal support should be flexible, relying heavily on local ability to assess present and anticipated transportation needs, identify and evaluate alternative opportunities for improvement, and initiate needed actions.

The Federal Government does, however, have a strong interest in ensuring that Federal funds available for mass transportation investments be used prudently and with maximum effectiveness. While there are no simple or standard procedures that will guarantee this outcome, a careful and systematic evaluation of the implications of alternative courses of action in advance of a Federal commitment should improve the quality of decisions. To this end an analysis of transportation alternatives and the filing of a final Environmental Impact Statement will be required as a condition of eligibility for Federal assistance for a major mass transportation investment. Federal support will be available only for those alternatives which the analysis has demonstrated to be cost-effective, where effectiveness is measured by the degree to which an alternative meets the locality's transportation needs, promotes its social, economic, environmental and urban development goals, and supports national aims and objectives.

A major mass transportation investment for purposes of this Statement is any project which involves new construction or extension of a fixed guideway system (rapid rail, light rail, commuter rail, automated guideway transit) or a busway, except where such project is determined by the Administrator to be of importance as a demonstration of advanced technology. Rehabilitation and modernization projects are not included in the scope of this definition.

The analysis of alternatives shall be carried out as part of a comprehensive transportation planning process in accordance with the following principles:

A. LONG RANGE PLAN

Proposals for major mass transportation investments shall be consistent with an urban area's comprehensive long range plan which articulates the overall direction for metropolitan development and identifies major transportation corridors.

The long range plan should reflect an awareness that different levels and types of transportation service may be needed in different portions of the metropolitan area. Each major corridor should be considered individually to determine the level and type of service that will best meet its projected requirements.

The long range plan should further recognize the need for local community-level transit service as well as for express line-haul connections that foster region-wide accessibility.

As an example, a comprehensive transportation plan may call for the constuction of a rail rapid transit line in a corridor of heavy demand, a "people mover" to facilitate local circulation in the central business district, a light rail network or busways to serve intermediate capacity corridors in the lower density portions of the metropolitan area, and fleets of fixed route buses and flexibly routed paratransit vehicles acting as feeders and distributors to the higher capacity line-haul systems and providing neighborhood circulation service in the local communities within the metropolitan region.

The long range plan should be reassessed and revised periodically as part of a continuing transportation planning process to reflect changes in local goals, priorities and long range forecasts; to respond to new land development and travel patterns; to adapt to new technologies as they are developed; and to adjust to the impact of previously implemented actions.

B. INCREMENTAL DEVELOPMENT

Where an area's comprehensive long range transportation plan calls for the creation of a fixed guideway system, the system should be proposed for implementation incrementally. Initial segments of the system should be proposed in corridors which can justify the need for fixed guideway service within 15 years of the date of the analysis. Each segment should be capable of justification on its own merits.

Corridors which cannot justify fixed guideway transit service within 15 years of the date of the analysis should be provided with levels and types of service appropriate to their needs, with the level of service being progressively upgraded as demand develops. Incremental developmental aims to

ensure that high priority corridors receive initial attention; that appropriate balance is maintained between the transportation requirements of the entire region and those of local communities within the region, and between long range and short range needs for transportation improvements; that flexibility is preserved to respond to changing technology, land use patterns and growth objectives; and that the fiscal burden is spread over a long period of time.

C. EVALUATION OF ALTERNATIVES

In the interest of improving the quality of the local planning and investment decisions, any metropolitan area which intends to apply for Federal assistance for a major mass transportation investment must undertake an analysis of transportation alternatives with regard to any corridors in which fixed guideway facilities have been proposed for implementation. The analysis should consider a range of alternatives, including improvements involving better management and operation of the existing street and highway network, e.g., through provision of reserved lanes for buses and other high occupancy vehicles.

This analysis should assess each alternative's capital and operating costs; ridership attraction; capital and operating efficiency and productivity; effects on modal choice, level of automobile use, environmental impacts and energy consumption; impact on land use and development patterns; extent of neighborhood disruption and displacement; job creation impact; and such other factors as are considered important by the local community.

The analysis should also compare the relative costs and effectiveness of each alternative, where effectiveness is measured by the degree to which the alternative meets the locality's transportation needs, promotes its social, economic, environmental and urban development goals, and supports national aims and objectives.

As part of the analysis of alternatives, a draft Environmental Impact Statement shall be prepared jointly by UMTA and the applicant in accordance with published guidelines.

D. TRANSPORTATION SYSTEM MANAGEMENT

Plans for a fixed guideway project should include transportation system management (TSM) actions to enhance the project's accessibility and convenience and to improve the quality of transportation service in other parts of the metropolitan area which will not be served by the fixed guideway project. Supportive TSM actions shall include the provision of adequate bus and paratransit feeder services and parking facilities at transit stations, and may include other measures aimed at increasing transit ridership and reducing unnecessary use of private automobiles within the transit corridor.

E. PUBLIC INVOLVEMENT

There should be full opportunity for the timely involvement of the public, local elected officials, and all levels of government in the alternatives analysis process. This involvement should be initiated early, so that all affected groups have an opportunity to influence the process in a timely and constructive fashion, particularly as to the alternatives to be considered, measures of effectiveness to be used, actions to be taken to minimize or avoid adverse effects and priority actions for implementation.

After completion of the draft Environmental Impact Statement a formal public hearing shall be held as required by the Urban Mass Transportation Act of 1964, covering both the analysis of alternatives and the draft Environmental Impact Statement.

PROCEDURES

This section states the procedures which UMTA will normally follow in reviewing the alternatives analysis, in implementing the Environmental Impact Statement requirement of the National Environmental Policy Act of 1969, and in making funding commitments to support major mass transportation investments.

1. The initial phase of the alternatives analysis process shall involve a preliminary analysis leading to the development of a citizen involvement mechanism, the choice of appropriate demand forecasting techniques and cost-effectiveness analysis methodology, the designation of a priority corridor(s), and the selection of a small set of promising transportation alternatives for analysis. UMTA must concur in these elements of analysis before the applicant may proceed with a detailed evaluation of the alternatives.

2. After obtaining UMTA's concurrence, the applicant shall proceed with the alternatives analysis and the preparation of a proposed draft Environmental Impact Statement (EIS). The proposed draft EIS shall be combined in a single document with the results of the alternatives analysis and shall be prepared jointly by UMTA and the applicant in accordance with published UMTA guidelines. Each alternative selected for study shall be presented at the same level of detail.

The applicant shall designate, in a separate document to be submitted simultaneously, the preferred cost-effective alternative which he recommends for implementation, and state a rationale for his choice. The recommended alternative shall be described in terms of its corridor location, length of initial segment(s), technology, horizontal and vertical alignment, grade separation, station location and other relevant factors. This document shall clearly state that any recommendation is soley that of the applicant and that UMTA's judgment is reserved until the environmental process is complete.

Upon receipt of the combined alternatives analysis and proposed draft Environmental Impact Statement, UMTA will undertake a review of the document to ensure that the analysis has been carried out in conformance with UMTA policy and UMTA guidelines. This review will normally be completed within 90 days of the receipt of the draft alternatives analysis and proposed draft EIS.

4. After the consolidated alternatives analysis and proposed draft Environmental Impact Statement has been found in conformance with UMTA guidelines, UMTA will circulate it for comment. During the circulation period the applicant will hold a public hearing on the document and may, at applicant's option, include in such hearing consideration of any application for a grant for preliminary engineering on the applicant's preferred alternative.

5. At the end of the circulation period UMTA and the applicant will address the

questions and comments received, correct any deficiencies in the analysis, and begin preparation of a final Environmental Impact Statement on a recommended alternative. The final EIS shall be prepared at the same level of detail as the draft EIS.

The final Environmental Impact Statement may also incorporate UMTA's decision with respect to a preliminary engineering grant, subject to the condition of satisfactory completion of the 30-day circulation period required for the final Environmental Impact Statement. This decision will be based upon a comparison of projects emerging from the alternatives analysis process.

UMTA may admit projects into preliminary engineering whose combined cost exceeds available Federal contract authority. This will be done in anticipation of any of several possibilities: the withdrawal of projects as a result of changing local priorities; a local decision to use non-Federal resources to finance more than 20 percent of total cost; or changing conditions such as the availability of detailed cost estimates which might lead to a later decision that a particular project cannot be Federally financed.

6. During the execution of preliminary engineering, the applicant will be expected to complete all the steps which must precede a full Federal commitment of capital grant funds to the project. These steps include providing evidence of firm commitment of the non-Federal capital share, providing evidence of State and/or local consensus regarding the financing of operating deficits, and planning for and gaining financial commitment to necessary supportive actions to promote effective utilization of the proposed fixed guideway system.

7. Upon completion of the preliminary engineering phase, the applicant may prepare a capital grant application for the construction (including final engineering and right of way acquisition) of the proposed project, and shall hold a public hearing thereon.

8. A definite funding commitment by UMTA for construction in a specific dollar amount will be made upon review of the capital grant application, the transcript of the public hearing and the detailed cost estimates emerging from preliminary engineering. The decision will be based upon a comparison of projects then pending.

APPENDIX C—POLICY TOWARD RAIL TRANSIT

For purposes of this policy statement "rail transit" means all forms of rail passenger transportation serving metropolitan areas. It includes "rail rapid transit", "light rail" and "commuter (or regional) rail" technology operating on surface, elevated or subsurface rights-of-way. The definition excludes busways and "people movers" or other types of automated guideway technology (AGT), although similar rigorous standards are also applicable to those investments.

"Rail lines" means both extensions to existing metropolitan rail systems and initial segments of new urban or metropolitan rail systems.

I. THE RATIONALE FOR FEDERAL SUPPORT OF RAIL TRANSIT

Rail transit possesses certain qualities and attributes which make it suitable in certain circumstances and inappropriate in others. Thus:

Rail transit is a highly efficient carrier of large numbers of people, and in heavily traveled corridors it is a cost-effective transportation solution. However, the number of such corridors is limited. They are likely to be found mostly in densely populated cities that possess well-defined core areas containing large concentrations of employment and retail activities. In the newer metorpolitan areas that have grown in the past fifty years and have been shaped by highways, travel patterns are more diffuse and fewer trips begin or end in the city center. These cities are likely to have fewer corridors whose traffic density is sufficient to warrant rail transit service. Nationwide, therefore, there is a fairly well-defined limit to the number of rail projects that could be justified as meritorious and deserving of Federal support in the foreseeable future.

Rail transit can vary considerably in the type and level of service, performance capabilities, design characteristics and costs. While rapid transit or commuter rail service can be justified only in very intensively used corridors, light rail transit could be an appropriate solution in corridors at the lower end of the traffic density spectrum.

Careful, site-specific planning and anlysis is, of course, necessary to determine whether rail transit is warranted and, if warranted, what type of rail technology and service is most appropriate.

Rail transit can be a supportive tool of urban revitalization. When properly coordinated with land use planning and real estate development, rail investment can help rejuvenate declining core areas, increase the city's tax base, create a more attractive investment climate and promote a more efficient, livable urban environment. For older urban centers rail transit can thus be part of a strategy to arrest center city decline and stimulate economic recovery. For newer, auto-based cities, on the other hand, with multiple growth centers scattered throughout the metropolitan area, an efficient bus system may be the most effective means of maintaining urban mobility and a healthy urban economy.

Rail transit has a demonstrated capacity to influence patterns of development and foster more intensive used of land. Many decades after streetcars went out of existence one can still trace their routes by the higher density corridors they created, often from undeveloped land. While today rail facilities are less effective in shaping land use, because automobiles have given people much greater freedom to live and work where they choose, evidence shows that, when supported by appropriate zoning policies and development incentives, rail transit can still exert a strong shaping influence on the patterns of urban growth. To the extent that it can foster higher density, clustered development, rail transit can be a means to more efficient forms of urban settlement and an instrument of long range energy conservation efforts.

In short, rail transit is and will continue to be a valuable form of urban transportation in selected circumstances, provided that local public and private leaders and interests recognize and learn to exploit its unique contributions. In particular, rail transit should be viewed as part of a strategy to promote broader national purposes. Its effectiveness should be measured not just in terms of its ability to move people, but in terms of its positive influence on the urban economy and on the long term pat-

terns of urban growth. Specifically, rail transit can help in our nation's efforts to revitalize distressed cities and prepare the way for a gradual transition to an energy-constrained future.

In light of the above, the Department intends to pursue the following policy toward rail transit investment:

The Department will continue to finance the construction of new rail lines and extensions to existing rail systems in those urban corridors whose population densities, travel volumes and growth patterns indicate a need for high-capacity, high-performance mass transportation service. In making decisions on initial rail segments, preference will be given to corridors serving densely populated central portions of metropolitan areas, including central cities and close-in suburbs.

Preference will also be shown to metropolitan areas which view rail transit investment as part of a long-term regional strategy to protect the environment, conserve energy, promote urban economic development and support orderly patterns of metropolitan growth.

Localities building or planning to build new rail lines or extensions to existing systems with Federal assistance will be required to commit themselves to (1) the development of a financial plan to meet capital and operating expenses; and (2) a program of local supportive actions to enhance the project's cost-effectiveness, patronage and prospect for economic viability. Such actions may include: zoning and other incentives that stimulate private real estate development around transit stations; provision of coordinated feeder services and adequate parking facilities at transit stations to expand the service area of the rail system; local land use plans and policies that are compatible with the objectives of the rail investment; and pricing and regulatory measures designed to manage automobile use during peak hours in corridors where rail service is to be introduced.

II. CONTROLLING THE COST AND INCREASING THE EFFECTIVENESS OF RAIL TRANSIT

The Federal Government has a strong obligation to ensure that the Federal assistance dollars are spent prudently and with maximum effectiveness. To this end the Department will adhere to the following set of policies, which will apply to all rail transit proposals:

1. Any approval of a rail transit proposal must be preceded by a federally ratified, rigorous analysis of alternatives which considers rapid transit, light rail, busway, people mover and transportation system management (TSM) options. *Applicants will be required to show clearly and convincingly the need for partially or fully grade-separated transit service and to demonstrate that the proposed transit solution is, on balance, superior to other options* in terms of ridership, capital and operating expenses, transportation service, and environmental, urban revitalization and energy conservation objectives.

2. *Urban areas will have to demonstrate a compelling need for high-capacity, high-performance transit service in order to obtain Federal assistance for rail rapid transit.* Light rail transit operating partially or fully on surface rights-of-way, may offer a substantially less costly, less disruptive and more flexible rail transit option, and should be seriously considered, especially in places where extensive underground or elevated construction would otherwise be required.

3. Where the long range plan of a metropolitan region calls for the construction of an area-wide network of rail lines, *the Department will require that the system be approved and built in stages—one segment at a time.* Federal financial support will be limited to such staged projects. This incremental approach to construction of urban rail transit is aimed to ensure that the burden of financing the system is spread out in time, that high volume corridors receive priority attention, that benefits of the public investment begin to accrue as soon as possible, and that maximum feasibility is preserved to modify the system in response to advances in technology, changes in growth patterns, and other unforeseen circumstances. Each successive line segment will normally be subject to a further alternatives analysis. This analysis must contain an assessment of the effectiveness of the initially funded segments in reaching stated objectives and a method for identifying and correcting problems encountered in the construction or operation of those line segments. This policy aims to encourage the construction of the most cost effective segments first, and to discourage localities from relying on a continued flow of federal funding to complete unworthy or marginally justified segments of a system.

4. *The Department will give preference to initial rail segments serving densely populated central portions of metropolitan areas including central cities and close-in suburbs.* This policy is designed to target Federal transit investment on areas with the greatest potential payoff in terms of ridership, relief of congestion, help to transit dependents and positive real estate development and revitalization impact.

5. *Localities proposing to build rail transit with Federal assistance will be required to commit themselves to the development and implementation of a program of local supportive policies and actions designed to enhance the proposed system's cost-effectiveness, patronage and prospect for economic viability.* The Department will require evidence of reasonable progress in carrying out this program of supportive policies as a condition of initial and subsequent construction funding approvals.

The supportive actions shall include the following:

Zoning policies and development incentives to stimulate high density private real estate development around selected transit stations;

Land use plans that support or reinforce the developmental impact and shaping influence of the rail transit system;

Station area improvements in the form of plazas, malls, walkways, open spaces and other pedestrian amenities that might help reverse the physical deterioraton of the central business district or revitalize declining residential neighborhoods;

Coordinated bus and/or paratransit feeder services to the rail system, especially in low density surburban areas;

Adequate parking and other mode transfer facilities at suburban transit stations;

Pricing, regulatory or traffic control measures aimed at managing the peak-period use of automobiles with rail corridors (e.g., traffic metering, tolls, higher parking fees, elimination of employer subsidized parking).

6. *The Department will require localities to develop realistic estimates of future oper-*

ating expenses and to identify and reach a local consensus on the specific means of funding these expenses. In particular, the Department will require, as a condition of Federal capital assistance, the development of a stable and reliable source of local revenue to cover operating deficits.

7. *Construction grant contracts will be negotiated with a fixed ceiling on the federal contribution,* subject to a defined method of adjustment for inflation. Localities will be required to complete the project as defined, and absorb any additional costs incurred, except under certain specified extraordinary circumstances.

8. The Department will strengthen its role in monitoring projects during the planning and design stages in order to prevent overdesign, the introduction of unnecessary embellishments, and the use of untested technologies, subsystems and components which might adversely affect system performance and future operating and maintenance costs.

III. PROCEDURES FOR THE APPROVAL OF RAIL TRANSIT AND OTHER MAJOR FIXED GUIDEWAY TRANSIT INVESTMENTS

The Department's procedures for the approval of major capital grant requests are governed by the Statement of Policy on "Major Urban Mass Transportation Investment" published in the FEDERAL REGISTER on September 22, 1976, as supplemented by the following clarifications:

1. Explicit UMTA authorization must be obtained by any locality wishing to undertake the detailed phase (Phase II) of alternative analysis.

2. After a locality has completed an alternatives analysis and an environmental impact analysis, the Department will review the analysis to determine whether a clear and convincing case has been made for a major capital investment, i.e., a partially or fully grade-separated fixed guideway project. If DOT concludes that a persuasive case for investment has been made, it will approve a preliminary engineering grant to develop a more precise specification of the selected alternative and an estimate of its expected cost. Approval of the preliminary engineering grant will not imply any commitment to finance construction of the project. This will be made clear in the letter to the grantee.

3. If, after a careful review of the preliminary engineering data, the Department determines that the project warrants Federal support, a formal pledge, to be called a "letter of intent," will be issued to the locality. This letter will (1) fix the total amount of the Federal contributions, subject to a defined method of adjusting for inflation; (2) include a mutually agreeable schedule for anticipating Federal contributions during the life of the project; and (3) require the locality to complete construction of the project as defined, and to absorb any additional cost incurred, except under certain specified "extraordinary" circumstances.

4. Specific annual contributions under the letter of intent will be made subject to the availability of appropriations and the ability of the grant recipient to use the funds effectively.

5. The sum total of all the pledges will be a basis for estimating the DOT's 5-year discretionary grant assistance requirements and its authorization request to Congress, and for guiding DOT's multi-year programming effort. However, the Department will limit the issuance of letters of intent so that the sum of annual payments under them does not exceed the total appropriation authorizations enacted for each future year by the Congress, after allowing sufficient amounts in each of those years to cover projected costs of the standing bus and rail modernization programs.

6. Preliminary engineering grants and letters of intent will be reported annually to the Authorization and Appropriation committees of the Congress.

7. During the transition to the new authorization/budget system, however, no letters of intent will be issued until new appropriation authorizations have been approved by Congress.

2. Proposed Part 620 of 49 CFR Chapter VI reads as follows:

PART 620—FHWA/UMTA MAJOR URBAN TRANSPORTATION INVESTMENT POLICY AND PROCEDURES

§ 620.1 General requirements and procedures.

For joint regulations regarding FWHA/UMTA major urban transportation investment policy and procedures, see 23 CFR Part 455.

(23 U.S.C. 134 and 315; 49 U.S.C. 1601 *et seq.* (The Urban Mass Transportation Act of 1974, as amended); 49 CFR 1.48(b) and 1.51 (f).)

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