

Notice is further given. That any interested person may, not later than June 12, 1978 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14558 Filed 5-24-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/59]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Study Group on Estate Matters

A meeting of the Study Group on Estate Matters, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held on Thursday, June 22, 1978, in room 5519 of the Department of State. Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The meeting will consider the next steps to be taken in connection with submission to the Senate for advice and consent to ratification of the Washington Convention on the Form of an International Will and the content of the necessary implementing legislation.

Entrance to the Department of State building is controlled, and mem-

bers of the general public should use the C Street entrance. Entry will be facilitated if arrangements are made in advance, and it is requested that members of the general public who plan to attend the meeting inform their name, affiliation, and address to Ms. Dorothy Fagan, Office of the Legal Adviser, Department of State, prior to June 22, 1978. The telephone number is 202-632-8134.

Dated: May 11, 1978.

RICHARD D. KEARNEY,
Chairman.

[FR Doc. 78-14633 Filed 5-24-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

ICGD 78-0541

LORAN-A TERMINATION SCHEDULE

This document changes the termination schedule of U.S./operated loran-A stations. A schedule was issued originally in the July 19, 1974 issue of the FEDERAL REGISTER (39 FR 26468) and was published most recently in the Department of Transportation's National Plan for Navigation, November 1977, available from the National Technical Information Service, Springfield, VA 22161.

The July 19, 1974, notice announced the selection of loran-C as the Government-provided radionavigation system for the U.S. Coastal Confluence Zone. Also, it provided notification that domestic loran-A service would be terminated on July 1, 1979, in the Pacific area and on July 1, 1980 on the U.S. East Coast, Gulf of Mexico, and Caribbean (West Indies) areas.

In October 1977, Oregon State University completed a Coast Guard-sponsored study which analyzed problems associated with the planned termination of loran-A service and expansion of loran-C service in U.S. coastal waters. The study, publication number ORESU-T-77-008, pointed out that the scheduled dates for terminating loran-A fall in the middle of the operating seasons of most commercial fishermen and other users of loran-A. Postponing the termination of loran-A for 6 months would give these users the benefit of an additional full season of use and cause the least disruption to their operations, thus easing the transition to loran-C, at minimal additional cost to the Government.

Coast Guard consultations with Sea Grant Marine Extension agents throughout the coastal areas have indicated that the mid-winter is the period of lowest marine activity throughout the contiguous 48 States and most of Alaska. However, no evidence was found that any extension of loran-A in the Aleutian and Hawaiian Islands beyond July 1, 1979 would provide significant benefit. In view of

these findings the Coast Guard has recommended and the Secretary of Transportation has approved an adjustment to the original phaseout schedule. Accordingly, the schedule for termination of U.S. loran-A service is as follows:

Aleutian and Hawaiian Islands, July 1, 1979 (no change).

Other Alaskan and West Coast stations, December 31, 1979.

U.S. East Coast, Gulf of Mexico and Caribbean (West Indies) stations, December 31, 1980.

This schedule supersedes the schedule published in the National Plan for Navigation, issued November 1977.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

MAY 17, 1978.

[FR Doc. 78-14675 Filed 5-24-78; 8:45 am]

[4910-06]

Federal Railroad Administration

[FRA Emergency Order No. 9]

CONSOLIDATED RAIL CORP.

Emergency Order Restricting Movement of Hazardous Materials

The Federal Railroad Administration (FRA) of the Department of Transportation has determined that reasons of public safety compel the issuance of this emergency order prohibiting the transportation of hazardous materials on certain Consolidated Rail Corp. (ConRail) track known as the Raritan Branch.

Located between Raritan Junction, N.J., at approximately milepost 19.7, and Edison, N.J., at approximately milepost 26.5, the Raritan Branch leads into a large industrial complex. Two 15-car trains operate daily over this track, serving the various industries along the right-of-way. In the course of such operations, large amounts of hazardous materials are transported over the line, including hydrochloric acid, the poisonous gases chlorine and anhydrous ammonia, the flammable gases methyl chloride and liquefied petroleum gas, and the flammable liquid ethyl benzene. For example, the Linde Division of Union Carbide, located at milepost 20.5 of the Raritan Branch, receives one car of liquefied petroleum gas and one car of methyl chloride each month as well as one car of hydrochloric acid every six weeks. Tennaco, also located at milepost 20.5, gets monthly shipments of 17 tank cars loaded with chlorine and 2 tank cars loaded with anhydrous ammonia. Finally, Stauffer Chemical at milepost 26.3 receives four cars of chlorine and one car of ethyl benzene per month.

On May 3, 1978, an FRA inspector, accompanied by ConRail's track in-

spector, conducted a routine riding and walking inspection of the track. Sixteen areas were walked, and conditions were found to be representative of other areas inspected by riding. The May 3 inspection revealed numerous track defects including extremely poor tie conditions and serious rail defects. The FRA inspector noted 121 locations where tie conditions were far below FRA's minimal standards for Class I track. FRA Track Safety Standards prescribe that the maximum allowable distance between non-defective ties for Class I track is 100 inches. Although the typical violation involved distances of 120 to 140 inches, single violations were noted involving distances of 384, 504, 516, 624, 984, and 1,680 inches—from 32 to 140 feet, respectively. A total of 113 violations of this particular standard were found. Appendix A to this emergency order details the precise locations and distances measured by FRA. Investigation by FRA later disclosed that the most recent major tie removal was accomplished in 1941.

In addition to numerous areas of noncompliance with crosstie regulations, there was a serious weakening of the subgrade between milepost 25.3 and milepost 25.4 due to poor drainage. (See Appendix A.) The proper spacing of nondefective crossties, in connection with effective ballast, provides lateral and vertical support to the rail, which is necessary to prevent trains from derailing. If the lateral support is not present, because ties are defective, the likelihood of wide gage¹ occurring while the track is under load also increases greatly. During FRA's inspection of the Raritan Branch, three such areas were discovered, including one location of 4 feet 10½-inch gage, which is 2 inches wider than the standard gage and ¾ inch wider than the maximum permitted by the Track Safety Standards for any movement of trains. In addition, three broken rails were found, which also pose a danger of derailment. Because of these rail, gage, and subgrade defects and the enormous numbers of crosstie violations, the possibilities of derailments on the line are very great.

On May 6, three days after the inspection, FRA served ConRail with a Notice of Track Conditions pursuant to 49 CFR Part 216 informing the carrier that FRA was considering the pos-

¹Track gage is defined as the distance between the inside faces of the rail heads, measured at a point ¼ inch below the top of the rail head. Standard gage is 4 feet 8½ inches. The Track Safety Standards permit gage to widen to 4 feet 9¼ inches before a defect is considered to exist. Gage wider than 4 feet 9¼ inches usually indicates a lack of sufficient lateral support for the rail, and greatly increases the possibility of a derailment due to car or locomotive wheels dropping between the rails.

sibility of issuing an emergency order removing the Raritan Branch from service. After presenting the Notice, the FRA inspector researched the track inspection records for the Raritan Branch and found that no inspection has been made of it since August 17, 1977, a period of over 8 months. The Track Safety Standards require inspections weekly.

In a letter dated May 9, Conrail indicated that a nine-man Extra Gang was working on the Branch installing ties by hand and that labor clearance had been secured to move additional tie repair gangs to this Branch to begin work on Thursday, May 11. These employees normally work a four-day week which ends Thursday. Since Conrail refused to pay the extra costs for weekend labor, the gangs were idle May 12 through May 14. On Monday, May 15, even though the equipment was on site and half the ties had been distributed, work was again delayed because of weather conditions. Work finally recommenced on Tuesday, May 16, and continued through Thursday, May 18. According to Conrail, a tie and surfacing unit made up of 55 employees had installed 734 ties in four-tenths of a mile of track by the morning of May 22. This work leaves over six miles of the 6.8-mile line unrepaired.

Thus, most of the Raritan Branch remains in poor condition. During a reinspection on May 17 of track beyond the repair area, the FRA inspector found 18 additional locations where the distance between nondefective ties exceeded 100 inches. Distances ranged between 204 and 612 inches—from 17 to 51 feet, respectively. Substandard gage and poor subgrade conditions were also found. (See Appendix B.)

In the meantime, despite the violation notices and the possibility of an emergency order, Conrail has continued business as usual on the Raritan Branch. There have been no restrictions of any kind on the movement of hazardous materials. For example, the FRA inspector noticed during the reinspection that Stauffer Chemical at milepost 26.3 had just been shipped four tank cars of deadly chlorine gas. The derailment of a car containing hazardous material would pose a threat not only to train crews, but also to the numerous persons who work in factories or attend classes along the line. Stretching between milepost 22 and milepost 24, the Raritan Industrial Park employs 5,000 workers in 200 factories and warehouses. Heller Industrial Park at milepost 24.5 is the site of ten warehouses with 1,000 employees, of whom 500 employees work in a factory immediately adjacent to the track. Also adjoining the track is Middlesex Community College, with an enrollment of 12,000 students. Far

too many persons work or study in the area to allow the continued transportation of hazardous materials over the Raritan Branch in its present deteriorated condition.

In light of the high risk both to employees and to the public that derailments will result in death or injury because of the release of hazardous materials, I have determined that the track defects on the Raritan Branch operated by the consolidated Rail Corporation between Raritan Junction, New Jersey, and Edison, New Jersey, constitute an unsafe condition and create an emergency situation involving a hazard of death or injury to persons affected by the use of this line.

Therefore, pursuant to the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) delegated to me by the Secretary of Transportation (49 CFR 1.49(n)), it is ordered:

1. That all transportation of railroad cars containing a material which is required to be placarded in accordance with Department of Transportation regulations, 49 CFR Parts 170-189 ("placarded hazardous materials"), over the Consolidated Rail Corporation's Raritan Branch, between Raritan Junction, New Jersey, at approximately milepost 19.7 and Edison, New Jersey, at approximately milepost 26.5, shall cease not later than 12:01 a.m., May 24, 1978. However, any cars in transit over such track at that time may continue to their final terminal.

2. This order shall remain in effect until such track has been restored to compliance with Federal Railroad Administration standards for at least Class I track (49 CFR Part 213). This order does not authorize the Consolidated Rail Corporation to transport cars which do not contain placarded hazardous materials, over track which is not in compliance with the Track Safety Standards. Any such operation may subject Conrail to the imposition of penalties prescribed by the Federal Railroad Safety Act of 1970 (45 U.S.C. 438).

3. Transportation over such track of any car containing any hazardous material required to be placarded shall be and is prohibited by this order until the authorized designated-official of the Consolidated Rail Corporation has certified that required repairs have been made and the track has been inspected by a representative of the Federal Railroad Administration. Subject to these procedures, service over the line may be restored incrementally.

A civil penalty of \$2,500 will be assessed for any violation of this order. (45 U.S.C. 438).

Opportunity for formal review of this Emergency Order will be provided in accordance with section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) and section 554 of Title

5 of the United States Code. Petition for such review must be submitted in writing to the Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590 in accordance with 49 CFR 216.25.

Issued in Washington, D.C., on May 23, 1978.

JOHN M. SULLIVAN,
Administrator.

APPENDIX A

**CONSOLIDATED RAIL CORPORATION MAY 3, 1978,
INSPECTION OF RARITAN BRANCH**

Track inspected between mileposts	49 CFR 213
21.3 to 22.3	24 cross-tie defects (0.109)—maximum distance between nondefective ties—1,680 in.
22.7 to 23.6	58 cross-tie defects (0.109)—maximum distance between nondefective ties—384 in.
23.8 to 24.2	31 cross-tie defects (0.109)—maximum distance between nondefective ties—984 in.
25.2 to 25.6	3 rail defects—(0.113). 3 gage defects—(0.53). 8 cross-tie defects (0.109)—maximum distance between nondefective ties—120 in. 2 subgrade defects (0.33).

APPENDIX B

CONSOLIDATED RAIL CORPORATION, MAY 17, 1978, INSPECTION OF RARITAN BRANCH

Track inspected between mileposts	49 CFR 213
21.1 to 22.1	4 cross-tie defects (0.109)—maximum distance between nondefective ties—360 in. 1 gage defect (0.53).
22.2 to 23.1	4 cross-tie defects (0.109)—maximum 492 in.
23.8 to 24.4	5 cross-tie defects (0.109)—maximum distance between nondefective ties—612 in.
25.2 to 26.1	5 cross-tie defects (0.109)—maximum distance between nondefective ties—348 in. 1 subgrade defect (0.33).

[FR Doc. 78-14791 Filed 5-23-78; 4:00 pm]

[4910-59]

National Highway Traffic Safety Administration

NAT BOSTWICK AND HENRY PIERCE

Denial of Petitions to Commence Defect Proceedings

This notice sets forth the reasons for denial of two petitions to com-

mence a proceeding to determine whether a defect related to motor vehicle safety exists in a vehicle. This notice is published in accordance with Section 124 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq) which provides that the National Highway Traffic Safety Administration must grant or deny such petition within 120 days of receipt, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (§ 124(d)).

Nat Bostwick. On November 15, 1977, Mr. Nat Bostwick of Denver, Colo., petitioned the agency to investigate whether 1972 Volvo passenger cars equipped with fuel injectors contain leaks and create a fire hazard.

NHTSA informed Mr. Bostwick that it had previously investigated alleged fuel injector leaks on 1970-73 Volkovs (File C4-58) and concluded that no safety related defect existed. Volvo had informed the agency that it nevertheless intended to replace all fuel injector units with improved ones. As part of this campaign Mr. Bostwick's vehicle was provided with a new fuel injector. For these reasons the petition was denied.

Henry C. Pierce. On December 15, 1977, Mr. Henry C. Pierce of Dana Point, Calif., petitioned NHTSA to open an investigation into crankshaft pulley bolt failures on 1976-77 Dodge Aspen passenger cars with 318 CID engines. The effect of the failure is to disable the power steering system.

In its investigation NHTSA discovered that Chrysler Corp. had used the same design and bolt specifications since 1967. Of approximately 2.7 million vehicles built to these specifications in 1976 and 1977 the agency discovered only six complaints of crankshaft pulley bolt failure, none of which led to accidents or injury and only two of which involved another Aspen or Plymouth Volare equipped with a 318 CID engine. The agency also conducted a metallurgical analysis on Mr. Pierce's parts and noted no significant defects. Improper torquing of the bolt emerged as a possible cause of

the failures. For these reasons the petition was denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 318 (15 U.S.C. 1342, 1407), Sec. 106, Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on May 19, 1978.

LYNN BRADFORD,
Acting Associate Administrator for Enforcement.
[FR Doc. 78-14455 Filed 5-24-78; 8:45 am]

[1505-01]

[Docket No. IP78-4, Notice 1]

VOLVO OF AMERICA

Receipt of Petition for Determination of Inconsequential Noncompliance

Correction

In FR Doc. 78-12616, appearing at page 20292 in the issue of Thursday, May 11, 1978, the comment closing date, which should have appeared in the line immediately following the last complete paragraph of the document, should have read, "June 26, 1978".

[4910-60]

Research and Special Programs Administration

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS

Exemptions

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 April 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				
2582-P	DOT-E 2582	Matheson Gas Products, Lyndhurst, N.J.	49 CFR 173.304(a)(2)	To become a party to exemption 2582. (See application No. 2582-X.) (Modes 1 and 2.)
3563-P	DOT-E 3563	U.S. Department of Commerce, Washington, D.C.	49 CFR 172.101, 173.302(a), 173.359(a).	To become a party to exemption 3563. (See application No. 3563-X.) (Modes 1, 2, 4, and 5.)